

110TH CONGRESS  
1ST SESSION

# S. 2237

To fight crime.

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IN THE SENATE OF THE UNITED STATES

OCTOBER 25, 2007

Mr. BIDEN introduced the following bill; which was read twice and referred  
to the Committee on the Judiciary

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## A BILL

To fight crime.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

### 3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Crime Control and  
5 Prevention Act of 2007”.

### 6 **SEC. 2. TABLE OF CONTENTS.**

7 The table of contents for this Act is as follows:

Sec. 1. Short title.

Sec. 2. Table of contents.

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Sec. 1101. Short title.

Sec. 1102. COPS grant improvements.

##### Subtitle B—FBI Act of 2007

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- Sec. 1203. Authorization for more agents.

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1       **TITLE I—SUPPORTING THE**  
 2       **FIRST LINE OF DEFENSE**  
 3       **Subtitle A—COPS Improvement**  
 4       **Act**

5       **SEC. 1101. SHORT TITLE.**

6       This subtitle may be cited as the “COPS Improve-  
 7       ments Act of 2007”.

1 **SEC. 1102. COPS GRANT IMPROVEMENTS.**

2 (a) IN GENERAL.—Section 1701 of the Omnibus  
3 Crime Control and Safe Streets Act of 1968 (42 U.S.C.  
4 3796dd) is amended—

5 (1) by amending subsection (a) to read as fol-  
6 lows:

7 “(a) GRANT AUTHORIZATION.—The Attorney Gen-  
8 eral shall carry out grant programs under which the Attor-  
9 ney General makes grants to States, units of local govern-  
10 ment, Indian tribal governments, other public and private  
11 entities, multijurisdictional or regional consortia, and indi-  
12 viduals for the purposes described in subsections (b), (c),  
13 (d), and (e).”;

14 (2) in subsection (b)—

15 (A) by striking the subsection heading text  
16 and inserting “COMMUNITY POLICING AND  
17 CRIME PREVENTION GRANTS”;

18 (B) in paragraph (3), by striking “, to in-  
19 crease the number of officers deployed in com-  
20 munity-oriented policing”;

21 (C) in paragraph (4), by inserting “or  
22 train” after “pay for”;

23 (D) by inserting after paragraph (4) the  
24 following:

25 “(5) award grants to hire school resource offi-  
26 cers and to establish school-based partnerships be-

1       tween local law enforcement agencies and local  
2       school systems to combat crime, gangs, drug activi-  
3       ties, and other problems in and around elementary  
4       and secondary schools;”;

5               (E) by striking paragraph (9);

6               (F) by redesignating paragraphs (10)  
7       through (12) as paragraphs (9) through (11),  
8       respectively;

9               (G) by striking paragraph (13);

10              (H) by redesignating paragraphs (14)  
11       through (17) as paragraphs (12) through (15),  
12       respectively;

13              (I) in paragraph (14), as so redesignated,  
14       by striking “and” at the end;

15              (J) in paragraph (15), as so redesignated,  
16       by striking the period at the end and inserting  
17       a semicolon; and

18              (K) by adding at the end the following:

19              “(16) establish and implement innovative pro-  
20       grams to reduce and prevent illegal drug manufac-  
21       turing, distribution, and use, including the manufac-  
22       turing, distribution, and use of methamphetamine;  
23       and

1 “(17) award enhancing community policing and  
 2 crime prevention grants that meet emerging law en-  
 3 forcement needs, as warranted.”;

4 (3) by striking subsection (c);

5 (4) by striking subsections (h) and (i);

6 (5) by redesignating subsections (d) through (g)  
 7 as subsections (f) through (i), respectively;

8 (6) by inserting after subsection (b) the fol-  
 9 lowing:

10 “(c) TROOPS-TO-COPS PROGRAMS.—

11 “(1) IN GENERAL.—Grants made under sub-  
 12 section (a) may be used to hire former members of  
 13 the Armed Forces to serve as career law enforce-  
 14 ment officers for deployment in community-oriented  
 15 policing, particularly in communities that are ad-  
 16 versely affected by a recent military base closing.

17 “(2) DEFINITION.—In this subsection, ‘former  
 18 member of the Armed Forces’ means a member of  
 19 the Armed Forces of the United States who is invol-  
 20 untarily separated from the Armed Forces within  
 21 the meaning of section 1141 of title 10, United  
 22 States Code.

23 “(d) COMMUNITY PROSECUTORS PROGRAM.—The  
 24 Attorney General may make grants under subsection (a)

1 to pay for additional community prosecuting programs, in-  
2 cluding programs that assign prosecutors to—

3 “(1) handle cases from specific geographic  
4 areas; and

5 “(2) address counter-terrorism problems, spe-  
6 cific violent crime problems (including intensive ille-  
7 gal gang, gun, and drug enforcement and quality of  
8 life initiatives), and localized violent and other crime  
9 problems based on needs identified by local law en-  
10 forcement agencies, community organizations, and  
11 others.

12 “(e) TECHNOLOGY GRANTS.—The Attorney General  
13 may make grants under subsection (a) to develop and use  
14 new technologies (including interoperable communications  
15 technologies, modernized criminal record technology, and  
16 forensic technology) to assist State and local law enforce-  
17 ment agencies in reorienting the emphasis of their activi-  
18 ties from reacting to crime to preventing crime and to  
19 train law enforcement officers to use such technologies.”;

20 (7) in subsection (f), as so redesignated—

21 (A) in paragraph (1), by striking “to  
22 States, units of local government, Indian tribal  
23 governments, and to other public and private  
24 entities,”;

1 (B) in paragraph (2), by striking “define  
2 for State and local governments, and other pub-  
3 lic and private entities,” and inserting “estab-  
4 lish”;

5 (C) in the first sentence of paragraph (3),  
6 by inserting “(including regional community po-  
7licing institutes)” after “training centers or fa-  
8cilities”; and

9 (D) by adding at the end the following:

10 “(4) EXCLUSIVITY.—The Office of Community  
11 Oriented Policing Services shall be the exclusive  
12 component of the Department of Justice to perform  
13 the functions and activities specified in this para-  
14 graph.”;

15 (8) in subsection (g), as so redesignated, by  
16 striking “may utilize any component”, and all that  
17 follows and inserting “shall use the Office of Com-  
18 munity Oriented Policing Services of the Depart-  
19 ment of Justice in carrying out this part.”;

20 (9) in subsection (h), as so redesignated—

21 (A) by striking “subsection (a)” the first  
22 place that term appears and inserting “para-  
23 graphs (1) and (2) of subsection (b)”;

24 (B) by striking “in each fiscal year pursu-  
25 ant to subsection (a)” and inserting “in each

1           fiscal year for purposes described in paragraph  
2           (1) and (2) of subsection (b)”;

3           (10) in subsection (i), as so redesignated, by  
4           striking the second sentence; and

5           (11) by adding at the end the following:

6           “(j) RETENTION OF ADDITIONAL OFFICER POSI-  
7           TIONS.—For any grant under paragraph (1) or (2) of sub-  
8           section (b) for hiring or rehiring career law enforcement  
9           officers, a grant recipient shall retain each additional law  
10          enforcement officer position created under that grant for  
11          not less than 12 months after the end of the period of  
12          that grant, unless the Attorney General waives, wholly or  
13          in part, the retention requirement of a program, project,  
14          or activity.”.

15          (b) APPLICATIONS.—Section 1702 of the Omnibus  
16          Crime Control and Safe Streets Act of 1968 (42 U.S.C.  
17          3796dd–1) is amended—

18                 (1) in subsection (c)—

19                         (A) in the matter preceding paragraph (1),  
20                         by inserting “, unless waived by the Attorney  
21                         General” after “under this part shall”;

22                         (B) by striking paragraph (8); and

23                         (C) by redesignating paragraphs (9)  
24                         through (11) as paragraphs (8) through (10),  
25                         respectively; and



1 (2) by striking subsection (d).

2 (c) RENEWAL OF GRANTS.—Section 1703 of the Om-  
 3 nibus Crime Control and Safe Streets Act of 1968 (42  
 4 U.S.C. 3796dd–2) is amended to read as follows:

5 **“SEC. 1703. RENEWAL OF GRANTS.**

6 “(a) IN GENERAL.—A grant made under this part  
 7 may be renewed, without limitations on the duration of  
 8 such renewal, to provide additional funds, if the Attorney  
 9 General determines that the funds made available to the  
 10 recipient were used in a manner required under an ap-  
 11 proved application and if the recipient can demonstrate  
 12 significant progress in achieving the objectives of the ini-  
 13 tial application.

14 “(b) NO COST EXTENSIONS.—Notwithstanding sub-  
 15 section (a), the Attorney General may extend a grant pe-  
 16 riod, without limitations as to the duration of such exten-  
 17 sion, to provide additional time to complete the objectives  
 18 of the initial grant award.”.

19 (d) LIMITATION ON USE OF FUNDS.—Section 1704  
 20 of the Omnibus Crime Control and Safe Streets Act of  
 21 1968 (42 U.S.C. 3796dd–3) is amended—

22 (1) in subsection (a), by striking “that would,  
 23 in the absence of Federal funds received under this  
 24 part, be made available from State or local sources”  
 25 and inserting “that the Attorney General determines

1 would, in the absence of Federal funds received  
 2 under this part, be made available for the purpose  
 3 of the grant under this part from State or local  
 4 sources”; and

5 (2) by striking subsection (c).

6 (e) ENFORCEMENT ACTIONS.—

7 (1) IN GENERAL.—Section 1706 of the Omni-  
 8 bus Crime Control and Safe Streets Act of 1968 (42  
 9 U.S.C. 3796dd–5) is amended—

10 (A) in the section heading, by striking  
 11 “**REVOCATION OR SUSPENSION OF FUND-**  
 12 **ING**” and inserting “**ENFORCEMENT AC-**  
 13 **TIONS**”; and

14 (B) by striking “revoke or suspend” and  
 15 all that follows and inserting “take any enforce-  
 16 ment action available to the Department of Jus-  
 17 tice.”.

18 (2) TECHNICAL AND CONFORMING AMEND-  
 19 MENT.—The table of contents of title I of the Omni-  
 20 bus Crime Control and Safe Streets Act of 1968 (42  
 21 U.S.C. 3711) is amended by striking the item relat-  
 22 ing to section 1706 and inserting the following:

“Sec. 1706. Enforcement actions.”.

23 (f) DEFINITIONS.—Section 1709(1) of the Omnibus  
 24 Crime Control and Safe Streets Act of 1968 (42 U.S.C.  
 25 3796dd–8(1)) is amended—

1           (1) by inserting “who is a sworn law enforce-  
2           ment officer” after “permanent basis”; and

3           (2) by inserting “, including officers for the  
4           Amtrak Police Department” before the period at the  
5           end.

6           (g) AUTHORIZATION OF APPROPRIATIONS.—Section  
7           1001(11) of the Omnibus Crime Control and Safe Streets  
8           Act of 1968 (42 U.S.C. 3793(11)) is amended—

9           (1) in subparagraph (A), by striking  
10          “\$1,047,119,000” and all that follows and inserting  
11          “\$1,150,000,000 for each of fiscal years 2007  
12          through 2012.”; and

13          (2) in subparagraph (B)—

14               (A) in the first sentence, by striking “3  
15               percent” and inserting “5 percent”; and

16               (B) by striking the second sentence and in-  
17               serting the following: “Of the funds available  
18               for grants under part Q, not less than  
19               \$600,000,000 shall be used for grants for the  
20               purposes specified in section 1701(b), not more  
21               than \$200,000,000 shall be used for grants  
22               under section 1701(d), and not more than  
23               \$350,000,000 shall be used for grants under  
24               section 1701(e).”.

1 (h) PURPOSES.—Section 10002 of the Public Safety  
 2 Partnership and Community Policing Act of 1994 (42  
 3 U.S.C. 3796dd note) is amended—

4 (1) in paragraph (4), by striking “development”  
 5 and inserting “use”; and

6 (2) in the matter following paragraph (4), by  
 7 striking “for a period of 6 years”.

8 (i) COPS PROGRAM IMPROVEMENTS.—

9 (1) IN GENERAL.—Section 109(b) of the Omni-  
 10 bus Crime Control and Safe Streets Act of 1968 (42  
 11 U.S.C. 3712h(b)) is amended—

12 (A) by striking paragraph (1);

13 (B) by redesignating paragraphs (2) and  
 14 (3) as paragraphs (1) and (2), respectively; and

15 (C) in paragraph (2), as so redesignated,  
 16 by inserting “, except for the program under  
 17 part Q of this title” before the period.

18 (2) LAW ENFORCEMENT COMPUTER SYS-  
 19 TEMS.—Section 107 of the Omnibus Crime Control  
 20 and Safe Streets Act of 1968 (42 U.S.C. 3712f) is  
 21 amended by adding at the end the following:

22 “(c) EXCEPTION.—This section shall not apply to any  
 23 grant made under part Q of this title.”.

1           **Subtitle B—FBI Act of 2007**

2   **SEC. 1201. SHORT TITLE.**

3           This subtitle be cited as the “Full-strength Bureau  
4 Initiative Act of 2007” or the “FBI Act of 2007”.

5   **SEC. 1202. FINDINGS.**

6           Congress finds the following:

7           (1) Throughout its history, the FBI has been  
8 an integral part of anticrime investigatory efforts in  
9 the United States.

10          (2) Since September 11, 2001, the FBI has lost  
11 substantial capacity and willingness to fight violent  
12 crime.

13          (3) The FBI has reduced the goal of combating  
14 crime to number 8 of its top 10 priorities.

15          (4) To meet its primary goal of combating ter-  
16 rorism, the FBI has reprogrammed nearly 1,000  
17 agents from crime to counterterrorism cases since  
18 September 11, 2001.

19          (5) While this reprogramming of agents to  
20 counterterrorism is necessary and proper, it has had  
21 the unintended consequence of precluding the FBI  
22 from adequately and satisfactorily discharging its  
23 traditional anticrime efforts.

1           (6) The FBI's shift to counterterrorism has re-  
2       duced the Bureau's involvement in traditional crime  
3       investigations, including—

4           (A) fewer agents to the successful High In-  
5       tensity Drug Trafficking Area (HIDTA) task  
6       forces;

7           (B) fewer violent crime cases, as the Bu-  
8       reau has reduced the number of agents com-  
9       mitted to Federal-State-local task forces like  
10      “Safe Streets” and Violent Crime Task Forces;  
11      and

12          (C) fewer agents handling bank robbery  
13      and white collar crimes, which involve technical  
14      areas of investigative expertise that State and  
15      locals often lack.

16          (7) In testimony before the Committee on the  
17      Judiciary of the Senate, FBI Director Bob Mueller  
18      stated that the shortfall of agents has “required dif-  
19      ficult choices in determining how to most effectively  
20      use the available agents”.

21          (8) This reprogramming has occurred at the  
22      same time that Federal assistance for State and  
23      local law enforcement has been decimated, including  
24      the elimination of the Office of Community Oriented  
25      Policing Services hiring program and substantial

1 cuts to the Edward Byrne Memorial Justice Assist-  
2 ance Grant Program under part E of title I of the  
3 Omnibus Crime Control and Safe Streets Act of  
4 1968 (42 U.S.C. 3750 et seq.).

5 (9) Local police officials have decried this ap-  
6 proach, and the results are becoming apparent, with  
7 the largest crime increase in 15 years according the  
8 2005 Uniform Crime Reports.

9 (10) The preliminary Uniform Crime Reports  
10 for 2006, reported in December, have shown further  
11 increases in violent crime across the Nation.

12 (11) The FBI's traditional antierime investiga-  
13 tions complement and assist investigations by State  
14 and local law enforcement around the country.

15 (12) Through task forces and other more infor-  
16 mal assistance, the FBI over the years has brought  
17 an invaluable expertise and resources to help state  
18 and local law enforcement in combating traditional  
19 criminal enterprises.

20 (13) Even when factoring in assistance local  
21 law enforcement has received from the Department  
22 of Homeland Security, the International Association  
23 of Chiefs of Police has stated, "combined, the pro-  
24 posed FY 2006 funding level for DoJ/DHS law en-  
25 forcement assistance programs is \$2.158 B. This is

1 a reduction of \$1.467 B or 40% from the combined  
2 FY 2005 level of \$3.625 B. It represents a decrease  
3 in \$2.55 B or 54% from FY2004.”.

4 (14) The FBI has the ability and the mandate  
5 to focus both on countering terrorists plots and  
6 fighting traditional crime.

7 (15) There does not need to be a trade-off be-  
8 tween crime and terrorism, but this can only happen  
9 if the FBI is given the manpower to be able to do  
10 both.

11 **SEC. 1203. AUTHORIZATION FOR MORE AGENTS.**

12 There are authorized to be appropriated  
13 \$160,000,000 for each of the fiscal years 2008 through  
14 2012 to fund 1,000 Federal Bureau of Investigations field  
15 agents in addition to the number of Federal Bureau of  
16 Investigations field agents serving on the date of enact-  
17 ment of this Act.

18 **Subtitle C—Project to Protect**  
19 **America Act of 2007**

20 **SEC. 1301. SHORT TITLE.**

21 This subtitle may be cited as the “Project to Protect  
22 America Act of 2007”.

23 **SEC. 1302. FINDINGS.**

24 The Congress finds that—



1           (1) the system of compensation for Federal law  
2 enforcement officers (in this section referred to as  
3 “FLEOs”) must be reformed in order to deal with  
4 recruitment, retention, and morale problems associ-  
5 ated with assignments to high-cost areas;

6           (2) as the Office of Personnel Management has  
7 confirmed, limitations on premium pay are contrib-  
8 uting to the pay compression problem that, in turn,  
9 may be undermining the efficacy of incentives de-  
10 signed to encourage FLEOs to assume greater su-  
11 pervisory and managerial duties;

12           (3) the security of the Nation, as the report of  
13 the National Commission on Terrorist Attacks Upon  
14 the United States confirmed, depends on effective  
15 Federal law enforcement, which is particularly true  
16 of large metropolitan areas that should be staffed  
17 with FLEOs who are fairly compensated for their  
18 services;

19           (4) the combination of rising living costs and  
20 lagging compensation threatens to worsen the sig-  
21 nificant recruitment and retention problems already  
22 facing FLEOs;

23           (5) the problems described in paragraph (4) are  
24 especially serious among law enforcement officers of  
25 the Federal Bureau of Investigation, who—

1 (A) are recruited and subject to assign-  
2 ment nationwide and, upon assignment, are ex-  
3 pected to adjust rapidly; and

4 (B) particularly in the case of those as-  
5 signed to high-cost areas, often experience sig-  
6 nificant difficulties in finding adequate and af-  
7 fordable housing;

8 (6) the Office of Personnel Management should  
9 experiment with innovative approaches to address  
10 compensation problems in the Federal workforce  
11 and, in the case of FLEOs, should look to the De-  
12 partment of Defense as a model for providing a rea-  
13 sonable housing allowance to assist those assigned to  
14 high-cost areas; and

15 (7) as the Federal Bureau of Investigation im-  
16 plements policies aimed at limiting the tenure of Su-  
17 pervisory Special Agents, the need to retain skilled  
18 agents requires that retirement benefits be protected  
19 from the adverse consequences of such personnel  
20 policies.

21 **SEC. 1303. DEFINITIONS.**

22 In this subtitle:

23 (1) AREA.—The term “area” means a metro-  
24 politan statistical area within the continental United  
25 States.

1           (2) CONTINENTAL UNITED STATES.—The term  
2           “continental United States” means the several  
3           States of the United States and the District of Co-  
4           lumbia, but does not include Alaska or Hawaii.

5           (3) COVERED SPECIAL AGENT.—The term “cov-  
6           ered Special Agent” means an individual who—

7                   (A) was a Special Agent of the Federal  
8                   Bureau of Investigation;

9                   (B) had completed not less than 3 years in  
10                  field supervisory positions as of June 3, 2004;

11                  (C) was transferred to a position at a  
12                  lower pay grade because that individual chose  
13                  not to accept a transfer to an equivalent or  
14                  higher position within the Federal Bureau of  
15                  Investigation under the Field Office Supervisory  
16                  Term Limit Policy issued on June 3, 2004; and

17                  (D) on or after June 3, 2004, is not re-  
18                  duced in pay grade or removed for performance  
19                  or misconduct reasons.

20           (4) DEMONSTRATION PROJECT.—The term  
21           “demonstration project” means the demonstration  
22           project established under section 1304(a).

23           (5) DIRECTOR.—The term “Director” means  
24           the Director of the Office of Personnel Management.

1           (6) EMPLOYEE.—The term “employee” has the  
 2           meaning given that term in section 2105 of title 5,  
 3           United States Code.

4           (7) ELIGIBLE EMPLOYEE.—The term “eligible  
 5           employee”—

6                   (A) means an employee who holds a posi-  
 7                   tion—

8                           (i) that is in or under the Federal Bu-  
 9                           reau of Investigation;

10                          (ii) that—

11                                   (I) is classified under chapter 51  
 12                                   of title 5, United States Code, as a  
 13                                   GS–1811 position; or

14                                   (II) if the GS–1811 classification  
 15                                   is redesignated or abolished or the re-  
 16                                   quirements for the GS–1811 classi-  
 17                                   fication are modified after the date of  
 18                                   enactment of this Act, meets the qual-  
 19                                   ification requirements for the GS–  
 20                                   1811 classification as in effect—

21   (aa) on the date that assist-  
 22   ance is to be provided under the  
 23   demonstration project; or

24   (bb) on such date of enact-  
 25   ment; and

1 (iii) in a high-cost area; and

2 (B) does not include an employee who is  
3 serving on a temporary basis or a part-time ca-  
4 reer employment basis (as that term is defined  
5 in section 3401 of title 5, United States Code)  
6 or who is a reemployed annuitant under section  
7 8344 or 8468 of title 5, United States Code.

8 (8) HIGH-COST AREA.—The term “high-cost  
9 area” means an area designated by the Director  
10 under section 1304(b)(1)(A).

11 (9) HOUSING COST DIFFERENTIAL.—The term  
12 “housing cost differential” means the difference in  
13 dollars between the monthly housing costs for an  
14 area and the monthly housing costs for the conti-  
15 nental United States, as described in section  
16 1304(b)(1)(A)(i).

17 (10) MANAGEMENT OFFICIAL.—The term  
18 “management official” has the meaning given that  
19 term in section 7103 of title 5, United States Code.

20 **SEC. 1304. HOUSING ALLOWANCE DEMONSTRATION**  
21 **PROJECT.**

22 (a) ESTABLISHMENT.—The Director shall establish a  
23 demonstration project under which eligible employees will  
24 be paid a basic housing allowance.

25 (b) IDENTIFICATION OF HIGH-COST AREAS.—

1 (1) CRITERIA.—

2 (A) IN GENERAL.—The Director shall des-  
 3 ignate an area as a high-cost area for a fiscal  
 4 year if, during the most recent calendar year  
 5 ending before the start of such fiscal year—

6 (i) the average monthly housing costs  
 7 for that area exceeded the average monthly  
 8 housing costs for the continental United  
 9 States by not less than 10 percent; or

10 (ii) that area was 1 of the 10 areas  
 11 within the continental United States hav-  
 12 ing the highest cost of living (identified in  
 13 such manner as the Director shall deter-  
 14 mine) and for which average monthly hous-  
 15 ing costs exceeded the average monthly  
 16 housing costs for the continental United  
 17 States.

18 (B) SAME DIFFERENTIAL COMPUTATION  
 19 RULE APPLIES.—The Director shall determine  
 20 the housing cost differential for any area identi-  
 21 fied under subparagraph (A)(ii) in the same  
 22 manner as described in subparagraph (A)(i).

23 (2) ANNUAL DETERMINATIONS.—The Director  
 24 shall identify high-cost areas for each fiscal year in

1       which the Director carries out the demonstration  
2       project.

3           (3) COSTS OF ADEQUATE HOUSING.—The de-  
4       termination of monthly housing costs under this sub-  
5       section by the Director shall be based on the costs  
6       of renting adequate housing typically borne by indi-  
7       viduals residing within the area involved who have  
8       income levels comparable to those of eligible employ-  
9       ees within the same area (taking into account, with  
10      respect to eligible employees, only amounts payable  
11      to such employees under title 5, United States  
12      Code).

13      (c) BASIC HOUSING ALLOWANCE.—

14           (1) IN GENERAL.—The Director shall establish  
15      a basic housing allowance payable to each eligible  
16      employee employed in a high-cost area for each fiscal  
17      year in which the Director carries out the dem-  
18      onstration project.

19           (2) AMOUNT.—The amount of the basic hous-  
20      ing allowance for each high-cost area shall be equal  
21      to such amount as the Director shall determine, ex-  
22      cept that—

23           (A) determinations under this paragraph  
24      shall be made in a manner consistent with sec-  
25      tion 403(b) of title 37, United States Code (re-

1           lating to basic allowance for housing for mem-  
 2           bers of the uniformed services); and

3           (B) in no event may any such amount be  
 4           less than the housing cost differential deter-  
 5           mined under subsection (b)(1)(A) for the area  
 6           and fiscal year involved.

7           (3) MANNER OF PAYMENT.—A basic housing  
 8           allowance shall be payable at the same time and in  
 9           the same manner as basic pay.

10          (4) NONREDUCTION RULE.—The basic housing  
 11          allowance payable to an individual who continuously  
 12          remains an eligible employee within the same high-  
 13          cost area may not be reduced by reason of any fluc-  
 14          tuations in housing costs.

15          (5) RULE OF CONSTRUCTION.—Nothing in this  
 16          subtitle may be construed to permit or require any  
 17          reduction in basic pay by reason of the eligibility of  
 18          an employee for or receipt of a basic housing allow-  
 19          ance.

20          (d) APPLICABILITY OF PROVISIONS GOVERNING  
 21          DEMONSTRATION PROJECTS GENERALLY.—The dem-  
 22          onstration project shall be conducted in accordance with  
 23          section 4703 of title 5, United States Code, except that  
 24          such project shall not—



1           (1) be subject to the provisions of subsection  
2           (d)(1) of that section; and

3           (2) be considered in applying subsection (d)(2)  
4           of that section.

5           (e) DURATION.—The demonstration project—

6           (1) shall be conducted during the 5-year period  
7           beginning on the first day of the first fiscal year be-  
8           ginning not less than 30 days after the date of en-  
9           actment of this Act; and

10          (2) may, subject to the availability of appropria-  
11          tions, be extended by the Director for 1 or more ad-  
12          ditional 12-month periods after the end of the 5-year  
13          period described in paragraph (1).

14          (f) REPORTING REQUIREMENT.—

15          (1) IN GENERAL.—Not later than 90 days after  
16          the date on which the demonstration project termi-  
17          nates, the Director shall submit to Congress a report  
18          on the demonstration project.

19          (2) CONTENTS.—The report submitted under  
20          paragraph (1) shall—

21                (A) specifically address the effect of the  
22                housing allowance on employee retention, re-  
23                cruitment, and morale;

24                (B) be based on appropriate data and com-  
25                ments received from management officials, em-

1            ployees, and other interested persons (including  
2            professional associations representing employ-  
3            ees); and

4            (C) include recommendations for any legis-  
5            lation that the Director considers appropriate.

6    **SEC. 1305. ANNUITY PROTECTION.**

7            For any covered Special Agent, the average pay for  
8            that individual, for purposes of section 8331(4) or 8401(3)  
9            of title 5, United States Code, as applicable, shall be the  
10          greater of—

11           (1) the average pay for that individual under  
12           the applicable section; or

13           (2) the amount to which that individual would  
14           have been entitled under the applicable section had  
15           that individual remained in the field supervisory po-  
16           sition at the same grade and step until the date of  
17           the retirement of that individual.

18    **SEC. 1306. AUTHORIZATION OF APPROPRIATIONS.**

19           There are authorized to be appropriated such sums  
20           as are necessary to carry out this subtitle.

1 **Subtitle D—Drug Enforcement Spe-**  
2 **cial Agents Restoration Act of**  
3 **2007**

4 **SEC. 1401. SHORT TITLE.**

5 This subtitle may be cited as the “Drug Enforcement  
6 Special Agents Restoration Act of 2007”.

7 **SEC. 1402. FINDINGS.**

8 Congress finds that—

9 (1) there is currently in place a hiring freeze at  
10 the Drug Enforcement Administration (referred to  
11 in this subtitle as the “DEA”) that has no set end  
12 date;

13 (2) the DEA is losing approximately 160 agents  
14 each year due to attrition;

15 (3) fewer drug agents in the field inevitably  
16 lead to fewer drug-related arrests and seizures, and  
17 decreased resources allow drug trafficking organiza-  
18 tions to operate more freely;

19 (4) drug trafficking money is used to fund ter-  
20 rorist activities; and

21 (5) the President’s fiscal year 2008 budget re-  
22 quest under funds the DEA and does nothing to al-  
23 leviate the agency’s hiring freeze.

1 **SEC. 1403. ADDITIONAL DEA SPECIAL AGENTS.**

2 (a) IN GENERAL.—There are authorized to be funded  
3 and hired 500 DEA special agents and 400 support per-  
4 sonnel, as set forth in subsection (b), to permit the agents  
5 to carry out their duties as provided in subsection (b).

6 (b) ALLOCATION.—The agents and support personnel  
7 authorized by subsection (a) shall be allocated as follows:

8 (1) 400 special agents, including 50 Demand  
9 Reduction Coordinators, assigned domestically with  
10 an additional 250 authorized positions as domestic  
11 support staff to include intelligence analysts, chem-  
12 ists, informational technology specialists, program  
13 analysts, and technical and clerical experts.

14 (2) 100 special agents assigned internationally  
15 with an additional 150 authorized positions as for-  
16 eign support staff to include intelligence analysts,  
17 program analyst, and technical and clerical experts.

18 **SEC. 1404. AUTHORIZATION OF APPROPRIATIONS.**

19 There are authorized to be appropriated to hire addi-  
20 tional agents and personnel as provided in this subtitle—

21 (1) \$200,000,000 for fiscal year 2008;

22 (2) \$210,000,000 for fiscal year 2009; and

23 (3) \$220,000,000 for fiscal year 2010.

1 **Subtitle E—National Commission**  
2 **on Law Enforcement and the**  
3 **Administration of Justice Act of**  
4 **2007**

5 **SEC. 1501. SHORT TITLE.**

6 This subtitle may be cited as the “National Commis-  
7 sion on Law Enforcement and the Administration of Jus-  
8 tice Act of 2007”.

9 **SEC. 1502. FINDINGS.**

10 Congress finds the following:

11 (1) Since the attacks of September 11, 2001,  
12 local law enforcement agencies have been required to  
13 undertake new and different duties.

14 (2) These changes have required Federal, State,  
15 and local law enforcement agencies to reexamine and  
16 redefine how they work to combat terrorism by es-  
17 tablishing new procedures for—

18 (A) collecting, analyzing, and sharing intel-  
19 ligence;

20 (B) how such agencies work together and  
21 with the private sector to protect critical infra-  
22 structure; and

23 (C) how to balance the protection of civil  
24 liberties and the prevention of terrorism at-  
25 tacks.

1           (3) The law enforcement community is still ad-  
2           dressing ongoing concerns related to the criminal  
3           justice system.

4           (4) As a result of high-profile incidents involv-  
5           ing use of force, allegations of racial profiling, cor-  
6           ruption, and instances of unethical behavior by po-  
7           lice officers and executives, many people in the  
8           United States believe that these problems are wide-  
9           spread and deeply rooted.

10          (5) The concerns of people in the United States  
11          encompass not only law enforcement agencies, but  
12          all the participants in the criminal justice system,  
13          including the courts, prosecutors, and corrections  
14          and probation officials.

15          (6) For all of the components of the criminal  
16          justice system to perform in an effective manner  
17          that ensures justice and leads to orderly and peace-  
18          ful communities, there must exist a trusting and  
19          confident relationship with all people in every part of  
20          the United States.

21          (7) In 1965, President Lyndon B. Johnson es-  
22          tablished the Commission on Law Enforcement and  
23          Administration of Justice recognizing, as he said,  
24          “the urgency of the nation’s crime problem”.

1           (8) The Commission on Law Enforcement and  
2       Administration of Justice labored for 18 months,  
3       producing 200 specific recommendations involving  
4       Federal, State, tribal, and local governments, civic  
5       organizations, religious institutions, business groups,  
6       and individual citizens that were intended to create  
7       a safer and more just society.

8           (9) The resulting report, titled “The Challenge  
9       of Crime in a Free Society”, marked the beginning  
10      of a sea change in the methods for dealing with  
11      crime and the public in the United States and built  
12      the framework for many of the exemplary programs  
13      that continue today.

14          (10) There have been numerous advances in po-  
15      licing and the administration of justice since that re-  
16      port, including community policing and drug courts.

17          (11) It is in the interest of the Nation to estab-  
18      lish a commission to study the role of policing in  
19      United States society, anticipate challenges in polic-  
20      ing, and issue detailed recommendations to Congress  
21      to ensure the safety and security of the people of the  
22      United States, while advancing the civil liberties of  
23      the people of the United States and the best inter-  
24      ests of the people who serve as Federal, State, and  
25      local law enforcement officials.

1 **SEC. 1503. ESTABLISHMENT OF COMMISSION.**

2 (a) ESTABLISHMENT.—There is established the Na-  
3 tional Commission on Law Enforcement and the Adminis-  
4 tration of Justice (in this subtitle referred to as the “Com-  
5 mission”).

6 (b) MEMBERSHIP.—

7 (1) IN GENERAL.—Not later than 60 days the  
8 date of enactment of this Act, the Attorney General  
9 of the United States, in consultation with State and  
10 local experts in law enforcement and the administra-  
11 tion of justice, shall appoint the members of the  
12 Commission.

13 (2) MEMBERS.—

14 (A) IN GENERAL.—There shall be 20 mem-  
15 bers of the Commission.

16 (B) QUALIFICATIONS.—An individual ap-  
17 pointed to be a member of the Commission  
18 shall have demonstrated expertise in policing,  
19 counterterrorism, intelligence sharing, court ad-  
20 ministration, prison management, prisoner re-  
21 entry, drug treatment, or the protection of civil  
22 liberties.

23 (C) NONPARTISAN BASIS.—The Attorney  
24 General shall appoint members of the Commis-  
25 sion on a nonpartisan basis, with an equal num-



1           ber of members from each of the 2 major polit-  
2           ical parties.

3           (3) PERIOD OF APPOINTMENT; VACANCIES.—  
4       Members shall be appointed for the life of the Com-  
5       mission. Any vacancy in the Commission shall not  
6       affect its powers.

7           (4) INITIAL MEETING.—Not later than 30 days  
8       after the date on which all members of the Commis-  
9       sion have been appointed, the Commission shall hold  
10      its first meeting.

11          (5) MEETINGS.—The Commission shall meet at  
12      the call of the Chairperson.

13          (6) QUORUM.—A majority of the members of  
14      the Commission shall constitute a quorum, but a  
15      lesser number of members may hold hearings.

16          (7) CHAIRPERSON AND VICE CHAIRPERSON.—  
17      The Commission shall select a Chairperson and Vice  
18      Chairperson from among its members.

19   **SEC. 1504. REPORT TO CONGRESS.**

20          (a) IN GENERAL.—Not later than 1 year after the  
21      date on which all members of the Commission have been  
22      appointed, the Commission shall submit a detailed report  
23      to the Committee on the Judiciary of the Senate and the  
24      Committee on the Judiciary of the House of Representa-  
25      tives.

1 (b) CONTENTS.—The report submitted under sub-  
 2 section (a) shall—

3 (1) identify—

4 (A) practices and procedures that have  
 5 been particularly effective in policing during the  
 6 period beginning on January 1, 1966 and end-  
 7 ing on the date of enactment of this Act;

8 (B) the challenges facing law enforcement,  
 9 courts, prisons, and other components of the  
 10 criminal justice system; and

11 (C) technological advances that may lead  
 12 to the improvement of the administration of  
 13 justice; and

14 (2) make detailed recommendations to best ad-  
 15 dress the challenges identified by the Commission.

16 (c) CONSULTATION.—In preparing the report sub-  
 17 mitted under subsection (a), the Commission shall—

18 (1) consult with individuals and organizations  
 19 working within and outside the criminal justice sys-  
 20 tem; and

21 (2) ensure that every effort is made to include  
 22 individuals with the broadest possible perspective on  
 23 the areas reviewed by the Commission and obtain  
 24 input from stakeholders, including law enforcement  
 25 officials, prosecutors, defense attorneys, public de-

1       fenders, probation officers, judges, prison officials,  
2       prevention experts, city officials, and other experts  
3       involved in the criminal justice system.

4   **SEC. 1505. POWERS OF THE COMMISSION.**

5       (a) HEARINGS.—The Commission may hold such  
6       hearings, sit and act at such times and places, take such  
7       testimony, and receive such evidence as the Commission  
8       considers advisable to carry out this subtitle.

9       (b) INFORMATION FROM FEDERAL AGENCIES.—The  
10      Commission may secure directly from any Federal depart-  
11      ment or agency such information as the Commission con-  
12      siders necessary to carry out this subtitle. Upon request  
13      of the Chairperson of the Commission, the head of such  
14      department or agency shall furnish such information to  
15      the Commission.

16      (c) POSTAL SERVICES.—The Commission may use  
17      the United States mails in the same manner and under  
18      the same conditions as other departments and agencies of  
19      the Federal Government.

20      (d) GIFTS.—The Commission may accept, use, and  
21      dispose of gifts or donations of services or property.

22   **SEC. 1506. COMMISSION PERSONNEL MATTERS.**

23      (a) COMPENSATION OF MEMBERS.—Each member of  
24      the Commission who is not an officer or employee of the  
25      Federal Government shall be compensated at a rate equal

1 to the daily equivalent of the annual rate of basic pay pre-  
2 scribed for level IV of the Executive Schedule under sec-  
3 tion 5315 of title 5, United States Code, for each day (in-  
4 cluding travel time) during which such member is engaged  
5 in the performance of the duties of the Commission. All  
6 members of the Commission who are officers or employees  
7 of the United States shall serve without compensation in  
8 addition to that received for their services as officers or  
9 employees of the United States.

10 (b) TRAVEL EXPENSES.—The members of the Com-  
11 mission shall be allowed travel expenses, including per  
12 diem in lieu of subsistence, at rates authorized for employ-  
13 ees of agencies under subchapter I of chapter 57 of title  
14 5, United States Code, while away from their homes or  
15 regular places of business in the performance of services  
16 for the Commission.

17 (c) STAFF.—

18 (1) IN GENERAL.—The Chairperson of the  
19 Commission may, without regard to the civil service  
20 laws and regulations, appoint and terminate an execu-  
21 tive director and such other additional personnel as  
22 may be necessary to enable the Commission to per-  
23 form its duties. The employment of an executive di-  
24 rector shall be subject to confirmation by the Com-  
25 mission.

1           (2) COMPENSATION.—The Chairperson of the  
2       Commission may fix the compensation of the execu-  
3       tive director and other personnel without regard to  
4       chapter 51 and subchapter III of chapter 53 of title  
5       5, United States Code, relating to classification of  
6       positions and General Schedule pay rates, except  
7       that the rate of pay for the executive director and  
8       other personnel may not exceed the rate payable for  
9       level V of the Executive Schedule under section 5316  
10      of such title.

11       (d) DETAIL OF GOVERNMENT EMPLOYEES.—Any  
12      Federal Government employee may be detailed to the  
13      Commission without reimbursement, and such detail shall  
14      be without interruption or loss of civil service status or  
15      privilege.

16       (e) PROCUREMENT OF TEMPORARY AND INTERMIT-  
17      TENT SERVICES.—The Chairperson of the Commission  
18      may procure temporary and intermittent services under  
19      section 3109(b) of title 5, United States Code, at rates  
20      for individuals which do not exceed the daily equivalent  
21      of the annual rate of basic pay prescribed for level V of  
22      the Executive Schedule under section 5316 of such title.

1 **SEC. 1507. TERMINATION OF THE COMMISSION.**

2       The Commission shall terminate 90 days after the  
3 date on which the Commission submits its report under  
4 section 1504(a).

5 **SEC. 1508. AUTHORIZATION OF APPROPRIATIONS.**

6       There are authorized to be appropriated \$3,000,000  
7 to carry out this subtitle, to remain available until ex-  
8 pended.

9 **TITLE II—PREVENTING VIOLENT**  
10 **CRIME AND BREAKING THE**  
11 **CYCLE OF VIOLENCE**

12 **Subtitle A—Taking Care of**  
13 **Children**

14 **PART I—HEAD START**

15 **SEC. 2101. HEAD START ACT.**

16       Section 639 of the Head Start Act (42 U.S.C. 9834)  
17 is amended by adding at the end the following:

18       “(c)(1) In addition to the other funds authorized to  
19 be appropriated under this section, there is authorized to  
20 be appropriated \$120,000,000 for each of fiscal years  
21 2008 through 2012 to provide—

22               “(A) Early Head Start services under section  
23 645A; and

24               “(B) Head Start services under this subchapter  
25 for children (age 3 to compulsory school attendance)

1       whose families meet the low-income criteria of sec-  
2       tion 645(a)(1)(A).

3       “(2) The purpose of paragraph (1) is to increase the  
4       number of children in a safe environment who are pre-  
5       pared by teachers who meet the requirements of section  
6       648A to succeed in elementary and middle school.”.

7               **PART II—CHILD ABUSE PREVENTION AND**  
8               **TREATMENT**

9       **SEC. 2111. CHILD ABUSE PREVENTION AND TREATMENT**  
10               **ACT.**

11       (a) STATE CHILD PROTECTIVE SERVICES AND COM-  
12       MUNITY-BASED PREVENTION SERVICES.—Section 112 of  
13       the Child Abuse Prevention and Treatment Act (42 U.S.C.  
14       5106h) is amended by adding at the end the following:

15       “(c) In addition to the other funds authorized to be  
16       appropriated under this section, there is authorized to be  
17       appropriated \$200,000,000 for each of fiscal years 2008  
18       through 2012 to improve the child protective services sys-  
19       tems of the States through grants made under section  
20       106.”.

21       (b) COMMUNITY BASED GRANTS FOR THE PREVEN-  
22       TION OF CHILD ABUSE AND NEGLECT.—Section 210 of  
23       the Child Abuse Prevention and Treatment Act (42 U.S.C.  
24       5116i) is amended—

1           (1) by inserting “(a) IN GENERAL.—” before  
 2           “‘There’”; and

3           (2) by adding at the end the following:

4           “(b) In addition to the other funds authorized to be  
 5 appropriated under this section, there is authorized to be  
 6 appropriated \$200,000,000 for each of fiscal years 2008  
 7 through 2012 to carry out community-based services for  
 8 the prevention of child abuse and neglect through grants  
 9 made under section 201(b).”.

10          (c) PARENT EDUCATION AND COUNSELING SERV-  
 11 ICES, FAMILY-STRENGTHENING SERVICES, AND ADOP-  
 12 TION SERVICES.—Section 210 of the Child Abuse Preven-  
 13 tion and Treatment Act, as amended by subsection (a)(2),  
 14 is further amended by adding at the end the following:

15          “(c) In addition to the other funds authorized to be  
 16 appropriated under this section, there is authorized to be  
 17 appropriated \$545,000,000 for providing parent education  
 18 and counseling services and family-strengthening services,  
 19 and referral to and counseling for adoption services,  
 20 through grants made under section 201(b).”.

21 **SEC. 2112. AFTER-SCHOOL PROGRAMS.**

22          Section 299(a) of the Juvenile Justice and Delin-  
 23 quency Prevention Act of 1974 (42 U.S.C. 5671(a)) is  
 24 amended by adding at the end the following:



1       “(8) In addition to any other amounts authorized to  
 2 be appropriated by this subsection, an additional  
 3 \$120,000,000 is authorized to be appropriated for each  
 4 of the fiscal years 2008 through 2012 for after-school pro-  
 5 grams providing a healthy mentoring and a safe environ-  
 6 ment as an alternative to juvenile crime under section  
 7 223(a)(9)(P).”.

8 **SEC. 2113. COMMUNITY PREVENTION.**

9       Section 506 of the Incentive Grants for Local Delin-  
 10 quency Prevention Programs Act (42 U.S.C. 5785) is  
 11 amended by—

12           (1) striking “To carry” and inserting the fol-  
 13 lowing:

14       “(a) IN GENERAL.—To carry”; and

15           (2) inserting at the end the following:

16       “(b) COMMUNITY PREVENTION.—In addition to  
 17 amounts authorized to be appropriated by this section, an  
 18 additional \$120,000,000 is authorized to be appropriated  
 19 for each of the fiscal years 2008 through 2012 for pro-  
 20 grams supporting early childhood development, in-home  
 21 parent coaching, after-school activities, mentoring, and tu-  
 22 toring programs, as well as drop-out, gang, and substance  
 23 abuse prevention programs.”.

1 **SEC. 2114. EFFECTIVE JUVENILE JUSTICE INTERVENTION**  
2 **PROGRAMS.**

3 Section 299(a) of the Juvenile Justice and Delin-  
4 quency Prevention Act of 1974 (42 U.S.C. 5671(a)) is  
5 amended by adding at the end the following:

6 “(9) In addition to any other amounts authorized to  
7 be appropriated by this subsection for title II, an addi-  
8 tional \$120,000,000 is authorized to be appropriated for  
9 each of the fiscal years 2008 through 2012 for formula  
10 grants under title II.”.

11 **SEC. 2115. SAFE AND HEALTHY TRIBAL COMMUNITIES.**

12 Section 1801A of title I of the Omnibus Crime Con-  
13 trol and Safe Streets Act of 1968 (42 U.S.C. 3796ee–1)  
14 is amended by adding at the end the following:

15 “(e) **ADDITIONAL AUTHORIZATION.**—In addition to  
16 any other amounts authorized to be appropriated by this  
17 title for this section, an additional \$20,000,000 is author-  
18 ized to be appropriated for each of the fiscal years 2008  
19 through 2012 for grants pursuant to this section to Indian  
20 tribes for culturally appropriate programs to prevent  
21 youth crime, strengthen tribal juvenile justice, and hold  
22 tribal youth accountable.”.

1 **SEC. 2116. STRENGTHENING TRIBAL LAW ENFORCEMENT**  
 2 **AND COURTS.**

3 Section 201(d) of the Indian Tribal Justice Technical  
 4 and Legal Assistance Act of 2000 (25 U.S.C. 3681(d))  
 5 is amended by—

6 (1) striking “For purposes” and inserting the  
 7 following:

8 “(1) IN GENERAL.—For purposes”; and

9 (2) inserting at the end the following:

10 “(2) TRIBAL COURTS ASSISTANCE PROGRAM.—

11 In addition to amounts authorized to be appro-  
 12 priated by this subsection, an additional  
 13 \$20,000,000 is authorized to be appropriated for  
 14 each of the fiscal years 2008 through 2012 for pro-  
 15 grams authorized by this section.”.

16 **PART III—IMPROVEMENTS TO THE STRENGTH-**  
 17 **ENING ABUSE AND NEGLECT COURTS ACT**  
 18 **OF 2000**

19 **SEC. 2131. IMPROVEMENTS TO THE STRENGTHENING**  
 20 **ABUSE AND NEGLECT COURTS ACT OF 2000.**

21 Section 6 of the Strengthening Abuse and Neglect  
 22 Courts Act of 2000 (Public Law 106–314; 42 U.S.C. 670  
 23 note) is amended—

24 (1) in the caption, by striking “**IN UNDER-**  
 25 **SERVED AREAS**” and inserting “**TO SERVE CHIL-**  
 26 **DREN OVER-REPRESENTED IN FOSTER CARE**”;

1 (2) in subsection (a)—

2 (A) in paragraph (1), by inserting before  
3 the semicolon “to serve children who are signifi-  
4 cantly over-represented in foster care”;

5 (B) by striking paragraph (2) and insert-  
6 ing the following:

7 “(2) expanding the recruitment of volunteers,  
8 particularly to serve populations of children who are  
9 significantly over-represented in foster care; and”;  
10 and

11 (C) in paragraph (3), by inserting before  
12 the semicolon “that serve children who are sig-  
13 nificantly over-represented in foster care”;

14 (3) in subsection (d), by striking “\$5,000,000  
15 for the period of fiscal years 2001 and 2002” and  
16 inserting “\$8,000,000 for each of the fiscal years  
17 2008 through 2011”; and

18 (4) by inserting at the end the following:

19 “(e) NONSUPPLANTATION.—Funds authorized and  
20 appropriated under this Act shall supplement, not sup-  
21 plant, existing funds otherwise available for court-ap-  
22 pointed special advocate programs and activities.”.

1           **PART IV—SAFE BABIES ACT OF 2007**

2   **SEC. 2141. SHORT TITLE.**

3           This part may be cited as the “Safe Babies Act of  
4 2007”.

5   **SEC. 2142. FINDINGS.**

6           The Congress finds as follows:

7           (1) Children three years of age and younger  
8           have the highest rates of victimization. Infants and  
9           toddlers are twice as likely as all other children to  
10          become victims of child maltreatment. Children ages  
11          three and younger are also 32 percent more likely to  
12          be placed in foster care than children ages four to  
13          eleven. Once placed in foster care, children three  
14          years of age and younger are more likely than older  
15          children to be abused and neglected, and they tend  
16          to stay in foster care longer than older children.

17          (2) Infants and toddlers are the most vulner-  
18          able to the effects of maltreatment. Research shows  
19          that young children who have experienced physical  
20          abuse have lower social competence, show less empa-  
21          thy for others, and have difficulty recognizing oth-  
22          ers’ emotions. They are also more likely than chil-  
23          dren who have not been maltreated to have deficits  
24          in IQ scores, language ability, and school perform-  
25          ance.

1           (3) Research shows that the human brain has  
2           achieved 80 to 85 percent of its adult size by the age  
3           of three. During those early years, the brain is de-  
4           veloping the vast majority of its basic capacity, the  
5           development of which can determine future achieve-  
6           ment or failure. Therefore, infants and toddlers in  
7           foster care are spending the most critical develop-  
8           mental period in situations that may be detrimental  
9           to healthy growth and development.

10          (4) Children under the age of four account for  
11          81 percent of child fatalities, and children under the  
12          age of one account for 45 percent of such fatalities.

13          (5) Child welfare systems are not meeting the  
14          needs of the children who rely on public intervention  
15          to protect them. In the Child and Family Service  
16          Reviews for fiscal years 2003 and 2004, the Admin-  
17          istration for Children and Families revealed that, of  
18          19 States studied for performance on Child and  
19          Family Services Review indicators, none of the  
20          States achieved all of the specified outcomes, and all  
21          of the States failed to meet the outcome related to  
22          the provision of physical and mental health services  
23          to children in foster care.

24          (6) Judges can be powerful catalysts for change  
25          in the way communities address the needs of mal-

1       treated infants and toddlers. A groundbreaking  
 2       project in the Juvenile Division of the Eleventh Ju-  
 3       dicial Circuit of Florida has combined the leadership  
 4       of a family court judge with expertise in early child-  
 5       hood development. This ground breaking collabora-  
 6       tion is ensuring that infants and toddlers receive the  
 7       services they need. Mental health and parenting  
 8       intervention services are provided for parents and  
 9       children together. Initial results are promising in  
 10      terms of eliminating further abuse and neglect and  
 11      promoting safety and well-being through timely per-  
 12      manent placements.

13 **SEC. 2143. COURT TEAMS.**

14       Title II of the Juvenile Justice and Delinquency Pre-  
 15      vention Act of 1974 (42 U.S.C. 5611 et seq.) is amend-  
 16      ed—

- 17               (1) by redesignating part F as part K; and  
 18               (2) by inserting after part E the following new  
 19      part:

20                               **“PART F—COURT TEAMS**

21 **“SEC. 271. COURT TEAMS PROGRAM AUTHORIZED.**

22       “(a) GRANT AUTHORIZED.—The Administrator shall  
 23      award a grant to a national early childhood development  
 24      organization to—

1           “(1) establish a National Court Teams Re-  
2           source Center to—

3                   “(A) promote the well-being of maltreated  
4           infants and toddlers and their families (includ-  
5           ing the special problems created by substance  
6           abuse, particularly methamphetamine abuse);

7                   “(B) help prevent the recurrence of abuse  
8           and neglect of children; and

9                   “(C) promote timely reunification of fami-  
10          lies or other successful permanency outcomes  
11          for maltreated infants and toddlers in foster  
12          care; and

13           “(2) select, and provide assistance to, local  
14          Court Teams created to achieve the goals described  
15          in paragraph (1).

16          “(b) GRANT DURATION.—The grant awarded under  
17          this part shall be for a period of 5 years, and shall be  
18          renewable at the discretion of the Administrator.

19          **“SEC. 272. ELIGIBILITY; APPLICATION; SELECTION OF**  
20                   **GRANTEE.**

21           “(a) ELIGIBILITY.—To be eligible to receive the grant  
22          described in section 271, an entity shall be a national early  
23          childhood development organization, as defined in section  
24          276, that has—



1           “(1) specific expertise in the development of in-  
2       fants and toddlers;

3           “(2) experience in incorporating the expertise  
4       described in paragraph (1) into the judicial system  
5       to promote change in the way courts address cases  
6       involving maltreated infants and toddlers in foster  
7       care; and

8           “(3) the capacity—

9               “(A) to establish and maintain the Na-  
10       tional Court Teams Resource Center described  
11       in section 273; and

12               “(B) to support the implementation and  
13       activities of local Court Teams by providing the  
14       assistance required under this part.

15       “(b) APPLICATION.—An entity desiring to receive the  
16       grant described in section 271 shall submit an application  
17       to the Administrator, at such time, in such manner, and  
18       containing such information as the Administrator may re-  
19       quire. Such application shall—

20               “(1) describe the expertise of the entity in in-  
21       fant and toddler development, including any experi-  
22       ence relevant to the ability of the entity to oversee  
23       the implementation of local Court Teams, and the  
24       capacity of the entity to provide assistance to local  
25       Court Teams;

1           “(2) include a detailed plan describing how the  
2           entity will establish and maintain the National Court  
3           Teams Resource Center, and how the entity will  
4           carry out the activities of such Center, as described  
5           in section 273; and

6           “(3) explain the process the entity will use to  
7           select local Court Teams to receive assistance under  
8           this part, including an assurance that the entity will  
9           give priority to applications that—

10           “(A) demonstrate the commitment of—

11           “(i) at least one qualified judge to  
12           lead the local Court Team and serve as Ju-  
13           dicial Leader of the Court Team; and

14           “(ii) community agencies serving mal-  
15           treated infants and toddlers and their fam-  
16           ilies in such jurisdiction to participate in  
17           the local Court Team;

18           “(B) describe the population of maltreated  
19           infants and toddlers in the community within  
20           the jurisdiction of the court over which the  
21           qualified judge presides, including—

22           “(i) any problems contributing to the  
23           placement of maltreated infants and tod-  
24           dlers under the supervision of the court  
25           (including the impact of parental substance

1 abuse, and particularly methamphetamine  
2 abuse); and

3 “(ii) any challenges faced by the court  
4 in making decisions that are in the best in-  
5 terests of such maltreated infants and tod-  
6 dlers; and

7 “(C) describe how the local Court Team  
8 will carry out the activities required under sec-  
9 tion 274;

10 “(4) demonstrate the ability to meet the all se-  
11 lection criteria, including—

12 “(A) special expertise in the developmental  
13 needs of children three years of age and young-  
14 er;

15 “(B) a demonstrated record of providing  
16 resources to parents and other caregivers re-  
17 garding the healthy growth and development of  
18 their children;

19 “(C) a demonstrated record of providing  
20 resources for practitioners in the fields of child  
21 development, early child care and education,  
22 family support, pediatrics, child welfare, and  
23 mental health;

24 “(D) extensive knowledge about how expo-  
25 sure to violence (including domestic violence,

1 community violence, and child maltreatment)  
2 influences the growth and development of in-  
3 fants and toddlers;

4 “(E) a documented history of collaboration  
5 with public and private sector groups working  
6 to improve the lives of maltreated infants and  
7 toddlers, including collaboration with judges at  
8 the local level;

9 “(F) the capacity to analyze child welfare  
10 policy at the local, State, and national levels  
11 and to offer research-based solutions to the  
12 problems confronting child welfare systems  
13 across the country; and

14 “(G) the ability to manage multiple com-  
15 plex national resource centers and related ac-  
16 tivities, including strategic planning, team  
17 building, infrastructure development, training  
18 for multidisciplinary professionals at all levels,  
19 materials development for multiple audiences in  
20 a variety of formats, and conference planning  
21 and delivery at the local, State, regional, and  
22 national levels; and

23 “(5) include any other information the Adminis-  
24 trator may require, including any assurance required  
25 by the Administrator that the entity, if selected, will

1 give special consideration to applications that have a  
2 significant number of child welfare cases in the ju-  
3 risdiction of the court over which the qualified judge  
4 presides in which substance abuse, and particularly  
5 methamphetamine abuse, is involved.

6 “(c) SELECTION OF GRANTEE.—In considering grant  
7 applications under this part, the Administrator shall select  
8 the national early childhood development organization that  
9 demonstrates—

10 “(1) the greatest ability to satisfy the criteria  
11 described in subsection (b)(4); and

12 “(2) the most extensive experience in address-  
13 ing the needs of abused and maltreated infants and  
14 toddlers through training and technical assistance  
15 provided to judges, multidisciplinary professionals  
16 and community leaders.

17 **“SEC. 273. NATIONAL COURT TEAMS RESOURCE CENTER.**

18 “(a) GENERAL ACTIVITIES.—The national early  
19 childhood development organization receiving the grant  
20 authorized under section 271 shall establish and maintain  
21 a National Court Teams Resource Center, which shall  
22 carry out the following activities:

23 “(1) Develop a process for selecting, and select,  
24 local Court Teams to receive assistance under this  
25 part.

1           “(2) Develop materials to guide qualified judges  
2           in the decision-making process regarding maltreated  
3           infants and toddlers, and to train members of local  
4           Court Teams and others in the community regarding  
5           the appropriate care of maltreated infants and tod-  
6           dlers, including the importance of—

7                   “(A) stable foster care placements;

8                   “(B) frequent parent-child visitation;

9                   “(C) reduction of the recurrence of abuse  
10           and neglect;

11                   “(D) improving health and well-being; and

12                   “(E) timely permanent placement.

13           “(3) Conduct national meetings and training  
14           sessions for local Court Teams.

15           “(4) Develop a database that shall be—

16                   “(A) available to each local Court Team to  
17           track such Court Team’s progress; and

18                   “(B) used by the National Court Teams  
19           Resource Center to facilitate evaluation of the  
20           local Court Teams receiving assistance under  
21           this part.

22           “(5) Provide information to communities and  
23           courts around the country seeking to adopt the  
24           Court Teams approach, including information re-  
25           lated to—

1           “(A) the incorporation of knowledge about  
2           infant and toddler development into the resolu-  
3           tion of cases by judges with jurisdiction over  
4           children in foster care; and

5           “(B) methods to change State and local  
6           government systems for addressing the needs of  
7           infants and toddlers in the foster care, and  
8           their families.

9           “(6) Any other activity necessary to provide the  
10          assistance required under subsection (b).

11          “(b) ASSISTANCE TO LOCAL COURT TEAMS.—Assist-  
12          ance provided to local Court Teams by the National Court  
13          Teams Resource Center shall include—

14               “(1) providing direction, coordination, and over-  
15               sight of the implementation of local Court Teams, as  
16               needed;

17               “(2) providing a Local Community Coordinator  
18               for each local Court Team, who shall—

19                       “(A) be selected by the National Court  
20                       Teams Resource Center after consultation with  
21                       the Judicial Leader of the local Court Team;

22                       “(B) serve as a resource of child develop-  
23                       ment expertise for the local Court Team; and

1           “(C) promote coordination (in the jurisdic-  
2           tion of the court over which the Judicial Leader  
3           presides) between—

4                   “(i) community agencies that serve  
5                   children; and

6                   “(ii) providers of resources to support  
7                   maltreated infants and toddlers;

8           “(3) providing training and technical assistance  
9           to local Court Teams, including—

10                   “(A) individual consultation on site,  
11                   through telephone conversations, and through  
12                   responses to emailed information requests;

13                   “(B) networking assistance and facilitation  
14                   of telephone conference calls among Judicial  
15                   Leaders and local Court Team members in dif-  
16                   ferent jurisdictions to discuss issues of common  
17                   concern;

18                   “(C) development and dissemination of  
19                   training materials, including fact sheets, tem-  
20                   plate forms, and sample operational materials  
21                   developed by local Court Teams; and

22                   “(D) training for local Court Teams re-  
23                   lated to—

24                           “(i) the impact of abuse and neglect  
25                           on infants and toddlers; and



1                   “(ii) improved decision-making by  
2                   courts regarding maltreated infants and  
3                   toddlers to reduce the recurrence of abuse  
4                   and neglect and improve developmental  
5                   outcomes; and

6                   “(4) organizing local training for community  
7                   members of jurisdictions in which local Court Teams  
8                   are located, which shall relate to the particular needs  
9                   of infants and toddlers exposed to maltreatment and  
10                  trauma, including topics such as—

11                  “(A) general infant and toddler develop-  
12                  ment;

13                  “(B) the impact of abuse and neglect on  
14                  development;

15                  “(C) a relationship-based mental health  
16                  intervention model for parents and children to-  
17                  gether;

18                  “(D) best-practices in family interactions;

19                  “(E) evidence-based parenting interven-  
20                  tions; and

21                  “(F) services available to foster children in  
22                  the community.

23 **“SEC. 274. LOCAL COURT TEAMS.**

24                  “(a) APPLICATION.—An entity desiring to receive the  
25                  assistance for local Court Teams made available under

1 this part shall submit an application to the National Court  
 2 Teams Resource Center at such time, in such manner, and  
 3 containing such information as the National Court Teams  
 4 Resource Center may require.

5 “(b) ELIGIBILITY.—To be eligible to receive assist-  
 6 ance under this part, a local Court Team shall be com-  
 7 prised of—

8 “(1) a Judicial Leader, who shall be a qualified  
 9 judge, and who shall lead and oversee the implemen-  
 10 tation and ongoing activities of the local Court  
 11 Team;

12 “(2) a Local Community Coordinator, selected  
 13 and provided by the National Court Teams Resource  
 14 Center in accordance with section 273(b)(2); and

15 “(3) no fewer than six key stakeholders who—

16 “(A) are members of the community in  
 17 which the local Court Team is located;

18 “(B) are committed to working to restruc-  
 19 ture the way the jurisdiction responds to the  
 20 needs of maltreated infants and toddlers; and

21 “(C) represent a variety of individuals in-  
 22 volved with the care of maltreated infants and  
 23 toddlers, which may include pediatricians, child  
 24 welfare workers, attorneys, court-appointed spe-  
 25 cial advocates, mental health professionals, sub-

1           stance abuse treatment providers, Early Head  
2           Start and child care providers, Court Improve-  
3           ment Program staff, and any other individuals  
4           who are involved in the care of maltreated in-  
5           fants and toddlers.

6           “(c) REQUIRED USE OF ASSISTANCE.—A local Court  
7   Team shall use any assistance received under this part to  
8   carry out the following activities:

9           “(1) Conducting monthly case reviews of each  
10   case handled by the local Court Team, in which all  
11   individuals and organizations involved in a case meet  
12   to review progress in such case, and to monitor and  
13   track referral to, delivery of, and barriers against,  
14   services for maltreated infants and toddlers and  
15   their families.

16          “(2) Incorporating child-focused services into  
17   case plans for maltreated infants and toddlers, in-  
18   cluding services such as medical, developmental, and  
19   mental health interventions and, as appropriate,  
20   services for children and parents together.

21          “(3) Organizing the provision of local training  
22   (provided by the National Court Teams Resource  
23   Center) to community members of the jurisdiction in  
24   which the local Court Team is located, including  
25   court officials, child welfare agencies, attorneys,

1 Guardians Ad Litem, court-appointed special advo-  
2 cates, and other individuals and organizations pro-  
3 viding services to infants and toddlers in foster care.

4 “(4) Identifying areas in the community in need  
5 of improved mental health and substance abuse  
6 treatment, and assisting the National Court Teams  
7 Resource Center in improving mental health treat-  
8 ment for parents and children together, and sub-  
9 stance abuse treatment for families (including moth-  
10 ers and children), as needed.

11 “(5) Utilizing resource materials disseminated  
12 by the National Court Teams Resource Center to  
13 guide judges in the decision-making process regard-  
14 ing maltreated infants and toddlers, and to provide  
15 training for Court Team members.

16 “(6) Participating in the national evaluation  
17 conducted by the Administrator in accordance with  
18 section 275, to determine the extent to which the ac-  
19 tivities of the local Court Team reduce the recur-  
20 rence of abuse and neglect and improve health and  
21 developmental outcomes for maltreated infants and  
22 toddlers.

23 “(d) PERMISSIBLE USE OF ASSISTANCE.—A local  
24 Court may use the assistance received under this part to  
25 carry out the following activities:

1           “(1) Developing processes for responding to pa-  
2       rental substance abuse, such as—

3           “(A) coordinating with local law enforce-  
4       ment agencies to allow rapid response teams to  
5       intervene quickly on behalf of infants and tod-  
6       dlers who are identified by law enforcement per-  
7       sonnel as being present during illegal activities  
8       related to methamphetamines or other illegal  
9       substances; and

10          “(B) establishing and maintaining relation-  
11       ships with substance abuse treatment programs  
12       to increase access to treatment for parents of  
13       maltreated infants and toddlers.

14          “(2) Identifying the areas in the community in  
15       need of early childhood mental health services, and  
16       assisting the National Court Teams Resource Center  
17       in providing relationship-based early childhood men-  
18       tal health services by providing training on parent-  
19       child psychotherapy to mental health providers.

20          “(3) Any other activities that help meet the  
21       needs and improve the health and developmental  
22       outcomes of maltreated infants and toddlers in fos-  
23       ter care.

1   **“SEC. 275. EVALUATIONS AND REPORTS.**

2           “(a) EVALUATION FORM.—Not later than 6 months  
3 after the date of the enactment of this Act, the National  
4 Court Teams Resource Center shall create, and distribute  
5 to each local Court Team, an evaluation form that shall  
6 be used to periodically collect any data from local Court  
7 Teams that the National Court Teams Resource Center  
8 determines may be relevant to the reports required by sub-  
9 section (b).

10          “(b) REPORTS TO CONGRESS BY THE ADMINIS-  
11 TRATOR.—At the end of the three-year period beginning  
12 on the date of the enactment of this Act, and again at  
13 the end of the five-year period beginning on such date of  
14 enactment, the Administrator shall—

15               “(1) compile the data collected in the periodic  
16 evaluation forms completed by each local Court  
17 Team;

18               “(2) conduct a national evaluation of Court  
19 Teams, based on such compilation of data; and

20               “(3) report to Congress on the effectiveness of  
21 Court Teams, including the extent to which local  
22 Court Teams are—

23                       “(A) improving access to services for mal-  
24 treated infants and toddlers;

25                       “(B) reducing the recurrence of abuse and  
26 neglect;

1           “(C) promoting permanent placements of  
2           maltreated infants and toddlers; and

3           “(D) improving the developmental out-  
4           comes for maltreated infants and toddlers who  
5           have been in foster care.

6   **“SEC. 276. DEFINITIONS.**

7           “For the purposes of this part:

8           “(1) COURT-APPOINTED SPECIAL ADVOCATE.—

9           The term ‘court-appointed special advocate’ means  
10          an individual who is trained by a recognized court-  
11          appointed special advocate program and appointed  
12          by a court to advocate for the best interests of chil-  
13          dren who come into the court system primarily as a  
14          result of abuse or neglect.

15          “(2) COURT IMPROVEMENT PROGRAM.—The  
16          term ‘Court Improvement Program’ means a pro-  
17          gram authorized under section 438 of the Social Se-  
18          curity Act (42 U.S.C. 629h).

19          “(3) GUARDIAN AD LITEM.—The term ‘Guard-  
20          ian Ad Litem’ means an attorney or court-appointed  
21          special advocate who is appointed by a court to ad-  
22          vocate for the best interests of children who come  
23          into the court system primarily as a result of abuse  
24          or neglect.

1           “(4) MALTREATED INFANT OR TODDLER.—The  
 2           term ‘maltreated infant or toddler’ means any child  
 3           three years of age or younger who is the victim of  
 4           a substantiated case of physical abuse, neglect, med-  
 5           ical neglect, sexual abuse, or emotional abuse.

6           “(5) NATIONAL EARLY CHILDHOOD DEVELOP-  
 7           MENT ORGANIZATION.—The term ‘national early  
 8           childhood development organization’ means a na-  
 9           tional, private, nonprofit organization—

10           “(A) that is dedicated to supporting the  
 11           healthy development and well-being of infants,  
 12           toddlers, and their families; and

13           “(B) that has the capacity for research,  
 14           training, information dissemination, and leader-  
 15           ship development in all of the professional dis-  
 16           ciplines related to infants and toddlers three  
 17           years of age and younger.

18           “(6) QUALIFIED JUDGE.—The term ‘qualified  
 19           judge’ means a judge who presides over a court that  
 20           has jurisdiction over children in foster care, such as  
 21           a judge for a dependency court or family court.”.

22 **SEC. 2144. AUTHORIZATION OF APPROPRIATIONS.**

23           Section 299 of the Juvenile Justice and Delinquency  
 24           Prevention Act of 1974 (42 U.S.C. 5671) is amended—

25           (1) in subsection (a)—



1 (A) in the header, by striking “PARTS C  
 2 AND E)” and inserting “PARTS C, E, AND F”;  
 3 and

4 (B) in paragraph (2), by striking “parts C  
 5 and E)” and inserting “parts C, E, and F”;

6 (2) by redesignating subsection (d) as sub-  
 7 section (e); and

8 (3) by inserting after subsection (c) the fol-  
 9 lowing new subsection:

10 “(d) AUTHORIZATION OF APPROPRIATIONS FOR  
 11 PART F.—There are authorized to be appropriated to  
 12 carry out part F, \$5,000,000 for each of fiscal years 2008,  
 13 2009, 2010, 2011, and 2012.”.

## 14 **Subtitle B—Gang Abatement and** 15 **Prevention Act of 2007**

### 16 **SEC. 2201. SHORT TITLE.**

17 This subtitle may be cited as the “Gang Abatement  
 18 and Prevention Act of 2007”.

### 19 **SEC. 2202. FINDINGS.**

20 Congress finds that—

21 (1) violent crime and drug trafficking are per-  
 22 vasive problems at the national, State, and local  
 23 level;

24 (2) according to recent Federal Bureau of In-  
 25 vestigation, Uniform Crime Reports, violent crime in

1 the United States is on the rise, with a 2.3 percent  
2 increase in violent crime in 2005 (the largest in-  
3 crease in the United States in 15 years) and an even  
4 larger 3.7 percent jump during the first 6 months  
5 of 2006, and the Police Executive Research Forum  
6 reports that, among jurisdictions providing informa-  
7 tion, homicides are up 10.21 percent, robberies are  
8 up 12.27 percent, and aggravated assaults with fire-  
9 arms are up 9.98 percent since 2004;

10 (3) these disturbing rises in violent crime are  
11 attributable in part to the spread of criminal street  
12 gangs and the willingness of gang members to com-  
13 mit acts of violence and drug trafficking offenses;

14 (4) according to a recent National Drug Threat  
15 Assessment, criminal street gangs are responsible for  
16 much of the retail distribution of the cocaine, meth-  
17 amphetamine, heroin, and other illegal drugs being  
18 distributed in rural and urban communities through-  
19 out the United States;

20 (5) gangs commit acts of violence or drug of-  
21 fenses for numerous motives, such as membership in  
22 or loyalty to the gang, for protecting gang territory,  
23 and for profit;

24 (6) gang presence and intimidation, and the or-  
25 ganized and repetitive nature of the crimes that

1 gangs and gang members commit, has a pernicious  
2 effect on the free flow of interstate commercial ac-  
3 tivities and directly affects the freedom and security  
4 of communities plagued by gang activity, dimin-  
5 ishing the value of property, inhibiting the desire of  
6 national and multinational corporations to transact  
7 business in those communities, and in a variety of  
8 ways directly and substantially affecting interstate  
9 and foreign commerce;

10 (7) gangs often recruit and utilize minors to en-  
11 gage in acts of violence and other serious offenses  
12 out of a belief that the criminal justice systems are  
13 more lenient on juvenile offenders;

14 (8) gangs often intimidate and threaten wit-  
15 nesses to prevent successful prosecutions;

16 (9) gangs prey upon and incorporate minors  
17 into their ranks, exploiting the fact that adolescents  
18 have immature decision-making capacity, therefore,  
19 gang activity and recruitment can be reduced and  
20 deterred through increased vigilance, appropriate  
21 criminal penalties, partnerships between Federal and  
22 State and local law enforcement, and proactive pre-  
23 vention and intervention efforts, particularly tar-  
24 geted at juveniles and young adults, prior to and  
25 even during gang involvement;

1           (10) State and local prosecutors and law en-  
2           forcement officers, in hearings before the Committee  
3           on the Judiciary of the Senate and elsewhere, have  
4           enlisted the help of Congress in the prevention, in-  
5           vestigation, and prosecution of gang crimes and in  
6           the protection of witnesses and victims of gang  
7           crimes; and

8           (11) because State and local prosecutors and  
9           law enforcement have the expertise, experience, and  
10          connection to the community that is needed to assist  
11          in combating gang violence, consultation and coordi-  
12          nation between Federal, State, and local law enforce-  
13          ment and collaboration with other community agen-  
14          cies is critical to the successful prosecutions of  
15          criminal street gangs and reduction of gang prob-  
16          lems.

1 **PART I—NEW FEDERAL CRIMINAL LAWS NEEDED**  
 2 **TO FIGHT VIOLENT NATIONAL, INTER-**  
 3 **NATIONAL, REGIONAL, AND LOCAL GANGS**  
 4 **THAT AFFECT INTERSTATE AND FOREIGN**  
 5 **COMMERCE**

6 **SEC. 2221. REVISION AND EXTENSION OF PENALTIES RE-**  
 7 **LATED TO CRIMINAL STREET GANG ACTIV-**  
 8 **ITY.**

9 (a) IN GENERAL.—Chapter 26 of title 18, United  
 10 States Code, is amended to read as follows:

11 **“CHAPTER 26—CRIMINAL STREET GANGS**

“Sec.

“521. Definitions.

“522. Criminal street gang prosecutions.

“523. Recruitment of persons to participate in a criminal street gang.

“524. Violent crimes in furtherance of criminal street gangs.

“525. Forfeiture.

12 **“§ 521. Definitions**

13 “In this chapter:

14 “(1) CRIMINAL STREET GANG.—The term  
 15 ‘criminal street gang’ means a formal or informal  
 16 group, organization, or association of 5 or more indi-  
 17 viduals—

18 “(A) each of whom has committed at least  
 19 1 gang crime; and

20 “(B) who collectively commit 3 or more  
 21 gang crimes (not less than 1 of which is a seri-  
 22 ous violent felony), in separate criminal epi-

1 sodes (not less than 1 of which occurs after the  
2 date of enactment of the Gang Abatement and  
3 Prevention Act of 2007, and the last of which  
4 occurs not later than 5 years after the commis-  
5 sion of a prior gang crime (excluding any time  
6 of imprisonment for that individual)).

7 “(2) GANG CRIME.—The term ‘gang crime’  
8 means an offense under Federal law punishable by  
9 imprisonment for more than 1 year, or a felony of-  
10 fense under State law that is punishable by a term  
11 of imprisonment of 5 years or more in any of the  
12 following categories:

13 “(A) A crime that has as an element the  
14 use, attempted use, or threatened use of phys-  
15 ical force against the person of another, or is  
16 burglary, arson, kidnapping, or extortion.

17 “(B) A crime involving obstruction of jus-  
18 tice, or tampering with or retaliating against a  
19 witness, victim, or informant.

20 “(C) A crime involving the manufacturing,  
21 importing, distributing, possessing with intent  
22 to distribute, or otherwise trafficking in a con-  
23 trolled substance or listed chemical (as those  
24 terms are defined in section 102 of the Con-  
25 trolled Substances Act (21 U.S.C. 802)).

1 “(D) Any conduct punishable under—

2 “(i) section 844 (relating to explosive  
3 materials);

4 “(ii) subsection (a)(1), (d), (g)(1)  
5 (where the underlying conviction is a vio-  
6 lent felony or a serious drug offense (as  
7 those terms are defined in section 924(e)),  
8 (g)(2), (g)(3), (g)(4), (g)(5), (g)(8), (g)(9),  
9 (g)(10), (g)(11), (i), (j), (k), (n), (o), (p),  
10 (q), (u), or (x) of section 922 (relating to  
11 unlawful acts);

12 “(iii) subsection (b), (c), (g), (h), (k),  
13 (l), (m), or (n) of section 924 (relating to  
14 penalties);

15 “(iv) section 930 (relating to posses-  
16 sion of firearms and dangerous weapons in  
17 Federal facilities);

18 “(v) section 931 (relating to purchase,  
19 ownership, or possession of body armor by  
20 violent felons);

21 “(vi) sections 1028 and 1029 (relating  
22 to fraud, identity theft, and related activity  
23 in connection with identification documents  
24 or access devices);

1                   “(vii) section 1084 (relating to trans-  
2 mission of wagering information);

3                   “(viii) section 1952 (relating to inter-  
4 state and foreign travel or transportation  
5 in aid of racketeering enterprises);

6                   “(ix) section 1956 (relating to the  
7 laundering of monetary instruments);

8                   “(x) section 1957 (relating to engag-  
9 ing in monetary transactions in property  
10 derived from specified unlawful activity);  
11 or

12                   “(xi) sections 2312 through 2315 (re-  
13 lating to interstate transportation of stolen  
14 motor vehicles or stolen property).

15                   “(E) Any conduct punishable under section  
16 274 (relating to bringing in and harboring cer-  
17 tain aliens), section 277 (relating to aiding or  
18 assisting certain aliens to enter the United  
19 States), or section 278 (relating to importation  
20 of aliens for immoral purposes) of the Immigra-  
21 tion and Nationality Act (8 U.S.C. 1324, 1327,  
22 and 1328).

23                   “(F) Any crime involving aggravated sex-  
24 ual abuse, sexual assault, pimping or pandering  
25 involving prostitution, sexual exploitation of



1 children (including sections 2251, 2251A, 2252  
2 and 2260), peonage, slavery, or trafficking in  
3 persons (including sections 1581 through 1592)  
4 and sections 2421 through 2427 (relating to  
5 transport for illegal sexual activity).

6 “(3) MINOR.—The term ‘minor’ means an indi-  
7 vidual who is less than 18 years of age.

8 “(4) SERIOUS VIOLENT FELONY.—The term  
9 ‘serious violent felony’ has the meaning given that  
10 term in section 3559.

11 “(5) STATE.—The term ‘State’ means each of  
12 the several States of the United States, the District  
13 of Columbia, and any commonwealth, territory, or  
14 possession of the United States.

15 **“§ 522. Criminal street gang prosecutions**

16 “(a) STREET GANG CRIME.—It shall be unlawful for  
17 any person to knowingly commit, or conspire, threaten, or  
18 attempt to commit, a gang crime for the purpose of fur-  
19 thering the activities of a criminal street gang, or gaining  
20 entrance to or maintaining or increasing position in a  
21 criminal street gang, if the activities of that criminal street  
22 gang occur in or affect interstate or foreign commerce.

23 “(b) PENALTY.—Any person who violates subsection  
24 (a) shall be fined under this title and—

1           “(1) for murder, kidnapping, conduct that  
2           would violate section 2241 if the conduct occurred in  
3           the special maritime and territorial jurisdiction of  
4           the United States, or maiming, imprisonment for  
5           any term of years or for life;

6           “(2) for any other serious violent felony, by im-  
7           prisonment for not more than 30 years;

8           “(3) for any crime of violence that is not a seri-  
9           ous violent felony, by imprisonment for not more  
10          than 20 years; and

11          “(4) for any other offense, by imprisonment for  
12          not more than 10 years.

13   **“§ 523. Recruitment of persons to participate in a**  
14               **criminal street gang**

15          “(a) PROHIBITED ACTS.—It shall be unlawful to  
16          knowingly recruit, employ, solicit, induce, command, co-  
17          erce, or cause another person to be or remain as a member  
18          of a criminal street gang, or attempt or conspire to do  
19          so, with the intent to cause that person to participate in  
20          a gang crime, if the defendant travels in interstate or for-  
21          eign commerce in the course of the offense, or if the activi-  
22          ties of that criminal street gang are in or affect interstate  
23          or foreign commerce.

24          “(b) PENALTIES.—Whoever violates subsection (a)  
25          shall—

1           “(1) if the person recruited, employed, solicited,  
2           induced, commanded, coerced, or caused to partici-  
3           pate or remain in a criminal street gang is a  
4           minor—

5           “(A) be fined under this title, imprisoned  
6           not more than 10 years, or both; and

7           “(B) at the discretion of the sentencing  
8           judge, be liable for any costs incurred by the  
9           Federal Government, or by any State or local  
10          government, for housing, maintaining, and  
11          treating the minor until the person attains the  
12          age of 18 years;

13          “(2) if the person who recruits, employs, solie-  
14          its, induces, commands, coerces, or causes the par-  
15          ticipation or remaining in a criminal street gang is  
16          incarcerated at the time the offense takes place, be  
17          fined under this title, imprisoned not more than 10  
18          years, or both; and

19          “(3) in any other case, be fined under this title,  
20          imprisoned not more than 5 years, or both.

21          “(c) CONSECUTIVE NATURE OF PENALTIES.—Any  
22          term of imprisonment imposed under subsection (b)(2)  
23          shall be consecutive to any term imposed for any other  
24          offense.

1 **“§ 524. Violent crimes in furtherance of criminal**  
 2 **street gangs**

3 “(a) IN GENERAL.—It shall be unlawful for any per-  
 4 son, for the purpose of gaining entrance to or maintaining  
 5 or increasing position in, or in furtherance of, or in asso-  
 6 ciation with, a criminal street gang, or as consideration  
 7 for anything of pecuniary value to or from a criminal  
 8 street gang, to knowingly commit or threaten to commit  
 9 against any individual a crime of violence that is an of-  
 10 fense under Federal law punishable by imprisonment for  
 11 more than 1 year or a felony offense under State law that  
 12 is punishable by a term of imprisonment of 5 years or  
 13 more, or attempt or conspire to do so, if the activities of  
 14 the criminal street gang occur in or affect interstate or  
 15 foreign commerce.

16 “(b) PENALTY.—Any person who violates subsection  
 17 (a) shall be punished by a fine under this title and—

18 “(1) for murder, kidnapping, conduct that  
 19 would violate section 2241 if the conduct occurred in  
 20 the special maritime and territorial jurisdiction of  
 21 the United States, or maiming, by imprisonment for  
 22 any term of years or for life;

23 “(2) for a serious violent felony other than one  
 24 described in paragraph (1), by imprisonment for not  
 25 more than 30 years; and

1 “(3) in any other case, by imprisonment for not  
2 more than 20 years.

3 **“§ 525. Forfeiture**

4 “(a) CRIMINAL FORFEITURE.—A person who is con-  
5 victed of a violation of this chapter shall forfeit to the  
6 United States—

7 “(1) any property used, or intended to be used,  
8 in any manner or part, to commit, or to facilitate  
9 the commission of, the violation; and

10 “(2) any property constituting, or derived from,  
11 any proceeds obtained, directly or indirectly, as a re-  
12 sult of the violation.

13 “(b) PROCEDURES APPLICABLE.—Pursuant to sec-  
14 tion 2461(c) of title 28, the provisions of section 413 of  
15 the Controlled Substances Act (21 U.S.C. 853), except  
16 subsections (a) and (d) of that section, shall apply to the  
17 criminal forfeiture of property under this section.”.

18 (b) AMENDMENT RELATING TO PRIORITY OF FOR-  
19 FEITURE OVER ORDERS FOR RESTITUTION.—Section  
20 3663(c)(4) of title 18, United States Code, is amended  
21 by striking “chapter 46 or” and inserting “chapter 26,  
22 chapter 46, or”.

23 (c) MONEY LAUNDERING.—Section 1956(c)(7)(D) of  
24 title 18, United States Code, is amended by inserting “,  
25 section 522 (relating to criminal street gang prosecutions),

1 523 (relating to recruitment of persons to participate in  
 2 a criminal street gang), and 524 (relating to violent crimes  
 3 in furtherance of criminal street gangs)” before “, section  
 4 541”.

5 **PART II—VIOLENT CRIME REFORMS TO REDUCE**  
 6 **GANG VIOLENCE**

7 **SEC. 2241. VIOLENT CRIMES IN AID OF RACKETEERING AC-**  
 8 **TIVITY.**

9 Section 1959(a) of title 18, United States Code, is  
 10 amended—

11 (1) in the matter preceding paragraph (1)—

12 (A) by inserting “or in furtherance or in  
 13 aid of an enterprise engaged in racketeering ac-  
 14 tivity,” before “murders,”; and

15 (B) by inserting “engages in conduct that  
 16 would violate section 2241 if the conduct oc-  
 17 curred in the special maritime and territorial  
 18 jurisdiction of the United States,” before  
 19 “maims,”;

20 (2) in paragraph (1), by inserting “conduct  
 21 that would violate section 2241 if the conduct oc-  
 22 curred in the special maritime and territorial juris-  
 23 diction of the United States, or maiming,” after  
 24 “kidnapping,”;

1           (3) in paragraph (2), by striking “maiming”  
 2           and inserting “assault resulting in serious bodily in-  
 3           jury”;

4           (4) in paragraph (3), by striking “or assault re-  
 5           sulting in serious bodily injury”;

6           (5) in paragraph (4)—

7                 (A) by striking “five years” and inserting  
 8                 “10 years”; and

9                 (B) by adding “and” at the end; and

10          (6) by striking paragraphs (5) and (6) and in-  
 11          serting the following:

12                 “(5) for attempting or conspiring to commit  
 13                 any offense under this section, by the same penalties  
 14                 (other than the death penalty) as those prescribed  
 15                 for the offense, the commission of which was the ob-  
 16                 ject of the attempt or conspiracy.”.

17 **SEC. 2242. MURDER AND OTHER VIOLENT CRIMES COM-**  
 18 **MITTED DURING AND IN RELATION TO A**  
 19 **DRUG TRAFFICKING CRIME.**

20          (a) IN GENERAL.—Part D of the Controlled Sub-  
 21          stances Act (21 U.S.C. 841 et seq.) is amended by adding  
 22          at the end the following:

1 **“SEC. 424. MURDER AND OTHER VIOLENT CRIMES COM-**  
2 **MITTED DURING AND IN RELATION TO A**  
3 **DRUG TRAFFICKING CRIME.**

4 “(a) IN GENERAL.—Whoever, during and in relation  
5 to any drug trafficking crime, knowingly commits any  
6 crime of violence against any individual that is an offense  
7 under Federal law punishable by imprisonment for more  
8 than 1 year or a felony offense under State law that is  
9 punishable by a term of imprisonment of 5 years or more,  
10 or threatens, attempts or conspires to do so, shall be pun-  
11 ished by a fine under title 18, United States Code, and—

12 “(1) for murder, kidnapping, conduct that  
13 would violate section 2241 if the conduct occurred in  
14 the special maritime and territorial jurisdiction of  
15 the United States, or maiming, by imprisonment for  
16 any term of years or for life;

17 “(2) for a serious violent felony (as defined in  
18 section 3559 of title 18, United States Code) other  
19 than one described in paragraph (1) by imprison-  
20 ment for not more than 30 years;

21 “(3) for a crime of violence that is not a serious  
22 violent felony, by imprisonment for not more than  
23 20 years; and

24 “(4) in any other case by imprisonment for not  
25 more than 10 years.



1 “(b) VENUE.—A prosecution for a violation of this  
2 section may be brought in—

3 “(1) the judicial district in which the murder or  
4 other crime of violence occurred; or

5 “(2) any judicial district in which the drug traf-  
6 ficking crime may be prosecuted.

7 “(c) DEFINITIONS.—In this section—

8 “(1) the term ‘crime of violence’ has the mean-  
9 ing given that term in section 16 of title 18, United  
10 States Code; and

11 “(2) the term ‘drug trafficking crime’ has the  
12 meaning given that term in section 924(c)(2) of title  
13 18, United States Code.”.

14 (b) CLERICAL AMENDMENT.—The table of contents  
15 for the Comprehensive Drug Abuse Prevention and Con-  
16 trol Act of 1970 (Public Law 91–513; 84 Stat. 1236) is  
17 amended by inserting after the item relating to section  
18 423, the following:

“Sec. 424. Murder and other violent crimes committed during and in relation  
to a drug trafficking crime.”.

19 **SEC. 2243. EXPANSION OF REBUTTABLE PRESUMPTION**  
20 **AGAINST RELEASE OF PERSONS CHARGED**  
21 **WITH FIREARMS OFFENSES.**

22 Section 3142(e) of title 18, United States Code, is  
23 amended in the matter following paragraph (3), by insert-  
24 ing after “that the person committed” the following: “an

1 offense under subsection (g)(1) (where the underlying con-  
 2 viction is a drug trafficking crime or crime of violence (as  
 3 those terms are defined in section 924(c))), (g)(2), (g)(3),  
 4 (g)(4), (g)(5), (g)(8), (g)(9), (g)(10), or (g)(11) of section  
 5 922.”.

6 **SEC. 2244. STATUTE OF LIMITATIONS FOR VIOLENT CRIME.**

7 (a) IN GENERAL.—Chapter 213 of title 18, United  
 8 States Code, is amended by adding at the end the fol-  
 9 lowing:

10 **“§ 3299A. Violent crime offenses**

11 “No person shall be prosecuted, tried, or punished  
 12 for any noncapital felony crime of violence, including any  
 13 racketeering activity or gang crime which involves any  
 14 crime of violence, unless the indictment is found or the  
 15 information is instituted not later than 10 years after the  
 16 date on which the alleged violation occurred or the con-  
 17 tinuing offense was completed.”.

18 (b) CLERICAL AMENDMENT.—The table of sections  
 19 at the beginning of chapter 213 of title 18, United States  
 20 Code, is amended by adding at the end the following:

“3299A. Violent crime offenses.”.

21 **SEC. 2245. STUDY OF HEARSAY EXCEPTION FOR FOR-**  
 22 **FEITURE BY WRONGDOING.**

23 The Judicial Conference of the United States shall  
 24 study the necessity and desirability of amending section  
 25 804(b) of the Federal Rules of Evidence to permit the in-

1 introduction of statements against a party by a witness who  
 2 has been made unavailable where it is reasonably foresee-  
 3 able by that party that wrongdoing would make the declar-  
 4 ant unavailable.

5 **SEC. 2246. POSSESSION OF FIREARMS BY DANGEROUS FEL-**  
 6 **ONS.**

7 (a) IN GENERAL.—Section 924(e) of title 18, United  
 8 States Code, is amended by striking paragraph (1) and  
 9 inserting the following:

10 “(1) In the case of a person who violates section  
 11 922(g) of this title and has previously been convicted by  
 12 any court referred to in section 922(g)(1) of a violent fel-  
 13 ony or a serious drug offense shall—

14 “(A) in the case of 1 such prior conviction,  
 15 where a period of not more than 10 years has  
 16 elapsed since the later of the date of conviction and  
 17 the date of release of the person from imprisonment  
 18 for that conviction, be imprisoned for not more than  
 19 15 years, fined under this title, or both;

20 “(B) in the case of 2 such prior convictions,  
 21 committed on occasions different from one another,  
 22 and where a period of not more than 10 years has  
 23 elapsed since the later of the date of conviction and  
 24 the date of release of the person from imprisonment  
 25 for the most recent such conviction, be imprisoned

1 for not more than 20 years, fined under this title,  
2 or both; and

3 “(C) in the case of 3 such prior convictions,  
4 committed on occasions different from one another,  
5 and where a period of not more than 10 years has  
6 elapsed since the later of date of conviction and the  
7 date of release of the person from imprisonment for  
8 the most recent such conviction, be imprisoned for  
9 any term of years not less than 15 years or for life  
10 and fined under this title, and notwithstanding any  
11 other provision of law, the court shall not suspend  
12 the sentence of, or grant a probationary sentence to,  
13 such person with respect to the conviction under sec-  
14 tion 922(g).”.

15 (b) AMENDMENT TO SENTENCING GUIDELINES.—  
16 Pursuant to its authority under section 994(p) of title 28,  
17 United States Code, the United States Sentencing Com-  
18 mission shall amend the Federal Sentencing Guidelines to  
19 provide for an appropriate increase in the offense level for  
20 violations of section 922(g) of title 18, United States  
21 Code, in accordance with section 924(e) of that title 18,  
22 as amended by subsection (a).

1 **SEC. 2247. CONFORMING AMENDMENT.**

2 The matter preceding paragraph (1) in section  
3 922(d) of title 18, United States Code, is amended by in-  
4 serting “, transfer,” after “sell”.

5 **SEC. 2248. AMENDMENTS RELATING TO VIOLENT CRIME.**

6 (a) CARJACKING.—Section 2119 of title 18, United  
7 States Code, is amended—

8 (1) in the matter preceding paragraph (1), by  
9 striking “, with the intent” and all that follows  
10 through “to do so, shall” and inserting “knowingly  
11 takes a motor vehicle that has been transported,  
12 shipped, or received in interstate or foreign com-  
13 merce from the person of another by force and vio-  
14 lence or by intimidation, causing a reasonable appre-  
15 hension of fear of death or serious bodily injury in  
16 an individual, or attempts or conspires to do so,  
17 shall”;

18 (2) in paragraph (1), by striking “15 years”  
19 and inserting “20 years”;

20 (3) in paragraph (2), by striking “or impris-  
21 oned not more than 25 years, or both” and inserting  
22 “and imprisoned for any term of years or for life”;  
23 and

24 (4) in paragraph (3), by inserting “the person  
25 takes or attempts to take the motor vehicle in viola-  
26 tion of this section with intent to cause death or

1       cause serious bodily injury, and” before “death re-  
2       sults”.

3       (b) CLARIFICATION AND STRENGTHENING OF PROHI-  
4 BITION ON ILLEGAL GUN TRANSFERS TO COMMIT DRUG  
5 TRAFFICKING CRIME OR CRIME OF VIOLENCE.—Section  
6 924(h) of title 18, United States Code, is amended to read  
7 as follows:

8       “(h) Whoever knowingly transfers a firearm that has  
9 moved in or that otherwise affects interstate or foreign  
10 commerce, knowing that the firearm will be used to com-  
11 mit, or possessed in furtherance of, a crime of violence  
12 (as defined in subsection (c)(3)) or drug trafficking crime  
13 (as defined in subsection (c)(2)) shall be fined under this  
14 title and imprisoned not more than 20 years.”.

15       (c) AMENDMENT OF SPECIAL SENTENCING PROVI-  
16 SION RELATING TO LIMITATIONS ON CRIMINAL ASSOCIA-  
17 TION.—Section 3582(d) of title 18, United States Code,  
18 is amended—

19               (1) by inserting “chapter 26 of this title (crimi-  
20 nal street gang prosecutions) or in” after “felony set  
21 forth in”; and

22               (2) by inserting “a criminal street gang or” be-  
23 fore “an illegal enterprise”.

24       (d) CONSPIRACY PENALTY.—Section 371 of title 18,  
25 United States Code, is amended by striking “five years,

1 or both.” and inserting “10 years (unless the maximum  
 2 penalty for the crime that served as the object of the con-  
 3 spiracy has a maximum penalty of imprisonment of less  
 4 than 10 years, in which case the maximum penalty under  
 5 this section shall be the penalty for such crime), or both.  
 6 This paragraph does not supersede any other penalty spe-  
 7 cifically set forth for a conspiracy offense.”.

8 **SEC. 2249. PUBLICITY CAMPAIGN ABOUT NEW CRIMINAL**  
 9 **PENALTIES.**

10 The Attorney General is authorized to conduct media  
 11 campaigns in any area designated as a high intensity gang  
 12 activity area under section 2261 and any area with exist-  
 13 ing and emerging problems with gangs, as needed, to edu-  
 14 cate individuals in that area about the changes in criminal  
 15 penalties made by this subtitle, and shall report to the  
 16 Committee on the Judiciary of the Senate and the Com-  
 17 mittee on the Judiciary of the House of Representatives  
 18 the amount of expenditures and all other aspects of the  
 19 media campaign.

20 **SEC. 2250. STATUTE OF LIMITATIONS FOR TERRORISM OF-**  
 21 **FENSES.**

22 Section 3286(a) of title 18, United States Code, is  
 23 amended—

24 (1) in the subsection heading, by striking  
 25 “EIGHT-YEAR” and inserting “TEN-YEAR”; and

1           (2) in the first sentence, by striking “8 years”  
 2           and inserting “10 years”.

3 **SEC. 2251. CRIMES COMMITTED IN INDIAN COUNTRY OR**  
 4                   **EXCLUSIVE FEDERAL JURISDICTION AS**  
 5                   **RACKETEERING PREDICATES.**

6           Section 1961(1)(A) of title 18, United States Code,  
 7 is amended by inserting “, or would have been so charge-  
 8 able if the act or threat (other than gambling) had not  
 9 been committed in Indian country (as defined in section  
 10 1151) or in any other area of exclusive Federal jurisdic-  
 11 tion,” after “chargeable under State law”.

12 **SEC. 2252. PREDICATE CRIMES FOR AUTHORIZATION OF**  
 13                   **INTERCEPTION OF WIRE, ORAL, AND ELEC-**  
 14                   **TRONIC COMMUNICATIONS.**

15           Section 2516(1) of title 18, United States Code, is  
 16 amended—

17           (1) by striking “or” and the end of paragraph  
 18           (r);

19           (2) by redesignating paragraph (s) as para-  
 20           graph (u); and

21           (3) by inserting after paragraph (r) the fol-  
 22           lowing:

23           “(s) any violation of section 424 of the Con-  
 24           trolled Substances Act (relating to murder and other



1 violent crimes in furtherance of a drug trafficking  
 2 crime);

3 “(t) any violation of section 522, 523, or 524  
 4 (relating to criminal street gangs); or”.

5 **SEC. 2253. CLARIFICATION OF HOBBS ACT.**

6 Section 1951(b) of title 18, United States Code, is  
 7 amended—

8 (1) in paragraph (1), by inserting “including  
 9 the unlawful impersonation of a law enforcement of-  
 10 ficer (as that term is defined in section 245(c) of  
 11 this title),” after “by means of actual or threatened  
 12 force,”; and

13 (2) in paragraph (2), by inserting “including  
 14 the unlawful impersonation of a law enforcement of-  
 15 ficer (as that term is defined in section 245(c) of  
 16 this title),” after “by wrongful use of actual or  
 17 threatened force,”.

18 **SEC. 2254. INTERSTATE TAMPERING WITH OR RETALIA-**  
 19 **TION AGAINST A WITNESS, VICTIM, OR IN-**  
 20 **FORMANT IN A STATE CRIMINAL PRO-**  
 21 **CEEDING.**

22 (a) IN GENERAL.—Chapter 73 of title 18, United  
 23 States Code, is amended by inserting after section 1513  
 24 the following:

1 **“§ 1513A. Interstate tampering with or retaliation**  
 2 **against a witness, victim, or informant in**  
 3 **a State criminal proceeding**

4 “(a) IN GENERAL.—It shall be unlawful for any per-  
 5 son—

6 “(1) to travel in interstate or foreign commerce,  
 7 or to use the mail or any facility in interstate or for-  
 8 eign commerce, or to employ, use, command, coun-  
 9 sel, persuade, induce, entice, or coerce any individual  
 10 to do the same, with the intent to—

11 “(A) use or threaten to use any physical  
 12 force against any witness, informant, victim, or  
 13 other participant in a State criminal proceeding  
 14 in an effort to influence or prevent participation  
 15 in such proceeding, or to retaliate against such  
 16 individual for participating in such proceeding;  
 17 or

18 “(B) threaten, influence, or prevent from  
 19 testifying any actual or prospective witness in a  
 20 State criminal proceeding; or

21 “(2) to attempt or conspire to commit an of-  
 22 fense under subparagraph (A) or (B) of paragraph  
 23 (1).

24 “(b) PENALTIES.—

25 “(1) USE OF FORCE.—Any person who violates  
 26 subsection (a)(1)(A) by use of force—

1                   “(A) shall be fined under this title, impris-  
2                   oned not more than 20 years, or both; and

3                   “(B) if death, kidnapping, or serious bodily  
4                   injury results, shall be fined under this title,  
5                   imprisoned for any term of years or for life, or  
6                   both.

7                   “(2) OTHER VIOLATIONS.—Any person who vio-  
8                   lates subsection (a)(1)(A) by threatened use of force  
9                   or violates paragraph (1)(B) or (2) of subsection (a)  
10                  shall be fined under this title, imprisoned not more  
11                  than 10 years, or both.

12                  “(c) VENUE.—A prosecution under this section may  
13                  be brought in the district in which the official proceeding  
14                  (whether or not pending, about to be instituted or was  
15                  completed) was intended to be affected or was completed,  
16                  or in which the conduct constituting the alleged offense  
17                  occurred.”.

18                  (b) CONFORMING AMENDMENT.—Section 1512 is  
19                  amended, in the section heading, by adding at the end the  
20                  following: “**IN A FEDERAL PROCEEDING**”.

21                  (c) CHAPTER ANALYSIS.—The table of sections for  
22                  chapter 73 of title 18, United States Code, is amended—

23                         (1) by striking the item relating to section 1512  
24                         and inserting the following:

“1512. Tampering with a witness, victim, or an informant in a Federal pro-  
ceeding.”;

1           and

2           (2) by inserting after the item relating to sec-  
3       tion 1513 the following:

“1513A. Interstate tampering with or retaliation against a witness, victim, or  
informant in a State criminal proceeding.”.

4       **SEC. 2255. AMENDMENT OF SENTENCING GUIDELINES.**

5           (a) IN GENERAL.—Pursuant to its authority under  
6       section 994 of title 28, United States Code, and in accord-  
7       ance with this section, the United States Sentencing Com-  
8       mission shall review and, if appropriate, amend its guide-  
9       lines and policy statements to conform with this part and  
10      the amendments made by this part.

11          (b) REQUIREMENTS.—In carrying out this section,  
12      the United States Sentencing Commission shall—

13           (1) establish new guidelines and policy state-  
14      ments, as warranted, in order to implement new or  
15      revised criminal offenses under this part and the  
16      amendments made by this part;

17           (2) consider the extent to which the guidelines  
18      and policy statements adequately address—

19           (A) whether the guidelines offense levels  
20      and enhancements—

21           (i) are sufficient to deter and punish  
22      such offenses; and

23           (ii) are adequate in view of the statu-  
24      tory increases in penalties contained in this

1           part and the amendments made by this  
2           part; and

3           (B) whether any existing or new specific  
4           offense characteristics should be added to re-  
5           flect congressional intent to increase penalties  
6           for the offenses set forth in this part and the  
7           amendments made by this part;

8           (3) ensure that specific offense characteristics  
9           are added to increase the guideline range—

10           (A) by at least 2 offense levels, if a crimi-  
11           nal defendant committing a gang crime or gang  
12           recruiting offense was an alien who was present  
13           in the United States in violation of section 275  
14           or 276 of the Immigration and Nationality Act  
15           (8 U.S.C. 1325 and 1326) at the time the of-  
16           fense was committed; and

17           (B) by at least 4 offense levels, if such de-  
18           fendant had also previously been ordered re-  
19           moved or deported under the Immigration and  
20           Nationality Act (8 U.S.C. 1101 et seq.) on the  
21           grounds of having committed a crime;

22           (4) determine under what circumstances a sen-  
23           tence of imprisonment imposed under this part or  
24           the amendments made by this part shall run con-  
25           secutively to any other sentence of imprisonment im-

1 posed for any other crime, except that the Commis-  
2 sion shall ensure that a sentence of imprisonment  
3 imposed under section 424 of the Controlled Sub-  
4 stances Act (21 U.S.C. 841 et seq.), as added by  
5 this Act, shall run consecutively, to an extent that  
6 the Sentencing Commission determines appropriate,  
7 to the sentence imposed for the underlying drug  
8 trafficking offense;

9 (5) account for any aggravating or mitigating  
10 circumstances that might justify exceptions to the  
11 generally applicable sentencing ranges;

12 (6) ensure reasonable consistency with other  
13 relevant directives, other sentencing guidelines, and  
14 statutes;

15 (7) make any necessary and conforming  
16 changes to the sentencing guidelines and policy  
17 statements; and

18 (8) ensure that the guidelines adequately meet  
19 the purposes of sentencing set forth in section  
20 3553(a)(2) of title 18, United States Code.

1 **PART III—INCREASED FEDERAL RESOURCES TO**  
2 **DETER AND PREVENT SERIOUSLY AT-RISK**  
3 **YOUTH FROM JOINING ILLEGAL STREET**  
4 **GANGS AND FOR OTHER PURPOSES**

5 **SEC. 2261. DESIGNATION OF AND ASSISTANCE FOR HIGH**  
6 **INTENSITY GANG ACTIVITY AREAS.**

7 (a) DEFINITIONS.—In this section:

8 (1) GOVERNOR.—The term “Governor” means  
9 a Governor of a State, the Mayor of the District of  
10 Columbia, the tribal leader of an Indian tribe, or the  
11 chief executive of a Commonwealth, territory, or pos-  
12 session of the United States.

13 (2) HIGH INTENSITY GANG ACTIVITY AREA.—  
14 The term “high intensity gang activity area” or  
15 “HIGAA” means an area within 1 or more States  
16 or Indian country that is designated as a high inten-  
17 sity gang activity area under subsection (b)(1).

18 (3) INDIAN COUNTRY.—The term “Indian coun-  
19 try” has the meaning given the term in section 1151  
20 of title 18, United States Code.

21 (4) INDIAN TRIBE.—The term “Indian tribe”  
22 has the meaning given the term in section 4(e) of  
23 the Indian Self-Determination and Education Assist-  
24 ance Act (25 U.S.C. 450b(e)).

25 (5) STATE.—The term “State” means a State  
26 of the United States, the District of Columbia, and

1 any commonwealth, territory, or possession of the  
2 United States.

3 (6) TRIBAL LEADER.—The term “tribal leader”  
4 means the chief executive officer representing the  
5 governing body of an Indian tribe.

6 (b) HIGH INTENSITY GANG ACTIVITY AREAS.—

7 (1) DESIGNATION.—The Attorney General,  
8 after consultation with the Governors of appropriate  
9 States, may designate as high intensity gang activity  
10 areas, specific areas that are located within 1 or  
11 more States, which may consist of 1 or more munici-  
12 palities, counties, or other jurisdictions as appro-  
13 priate.

14 (2) ASSISTANCE.—In order to provide Federal  
15 assistance to high intensity gang activity areas, the  
16 Attorney General shall—

17 (A) establish local collaborative working  
18 groups, which shall include—

19 (i) criminal street gang enforcement  
20 teams, consisting of Federal, State, tribal,  
21 and local law enforcement authorities, for  
22 the coordinated investigation, disruption,  
23 apprehension, and prosecution of criminal  
24 street gangs and offenders in each high in-  
25 tensity gang activity area;



1 (ii) educational, community, and faith  
2 leaders in the area;

3 (iii) service providers in the commu-  
4 nity, including those experienced at reach-  
5 ing youth and adults who have been in-  
6 volved in violence and violent gangs or  
7 groups, to provide gang-involved or seri-  
8 ously at-risk youth with positive alter-  
9 natives to gangs and other violent groups  
10 and to address the needs of those who  
11 leave gangs and other violent groups, and  
12 those reentering society from prison; and

13 (iv) evaluation teams to research and  
14 collect information, assess data, rec-  
15 ommend adjustments, and generally assure  
16 the accountability and effectiveness of pro-  
17 gram implementation;

18 (B) direct the reassignment or detailing  
19 from any Federal department or agency (sub-  
20 ject to the approval of the head of that depart-  
21 ment or agency, in the case of a department or  
22 agency other than the Department of Justice)  
23 of personnel to each criminal street gang en-  
24 forcement team;

1 (C) direct the reassignment or detailing of  
2 representatives from—

3 (i) the Department of Justice;

4 (ii) the Department of Education;

5 (iii) the Department of Labor;

6 (iv) the Department of Health and  
7 Human Services;

8 (v) the Department of Housing and  
9 Urban Development; and

10 (vi) any other Federal department or  
11 agency (subject to the approval of the head  
12 of that department or agency, in the case  
13 of a department or agency other than the  
14 Department of Justice) to each high inten-  
15 sity gang activity area to identify and co-  
16 ordinate efforts to access Federal pro-  
17 grams and resources available to provide  
18 gang prevention, intervention, and reentry  
19 assistance;

20 (D) prioritize and administer the Federal  
21 program and resource requests made by the  
22 local collaborative working group established  
23 under subparagraph (A) for each high intensity  
24 gang activity area;

1 (E) provide all necessary funding for the  
2 operation of each local collaborative working  
3 group in each high intensity gang activity area;  
4 and

5 (F) provide all necessary funding for na-  
6 tional and regional meetings of local collabo-  
7 rative working groups, criminal street gang en-  
8 forcement teams, and educational, community,  
9 social service, faith-based, and all other related  
10 organizations, as needed, to ensure effective op-  
11 eration of such teams through the sharing of  
12 intelligence and best practices and for any other  
13 related purpose.

14 (3) COMPOSITION OF CRIMINAL STREET GANG  
15 ENFORCEMENT TEAM.—Each team established  
16 under paragraph (2)(A)(i) shall consist of agents  
17 and officers, where feasible, from—

18 (A) the Federal Bureau of Investigation;

19 (B) the Drug Enforcement Administration;

20 (C) the Bureau of Alcohol, Tobacco, Fire-  
21 arms, and Explosives;

22 (D) the United States Marshals Service;

23 (E) the Department of Homeland Security;

24 (F) the Department of Housing and Urban  
25 Development;

1 (G) State, local, and, where appropriate,  
2 tribal law enforcement;

3 (H) Federal, State, and local prosecutors;  
4 and

5 (I) the Bureau of Indian Affairs, Office of  
6 Law Enforcement Services, where appropriate.

7 (4) CRITERIA FOR DESIGNATION.—In consid-  
8 ering an area for designation as a high intensity  
9 gang activity area under this section, the Attorney  
10 General shall consider—

11 (A) the current and predicted levels of  
12 gang crime activity in the area;

13 (B) the extent to which qualitative and  
14 quantitative data indicate that violent crime in  
15 the area is related to criminal street gang activ-  
16 ity, such as murder, robbery, assaults,  
17 carjacking, arson, kidnapping, extortion, drug  
18 trafficking, and other criminal activity;

19 (C) the extent to which State, local, and,  
20 where appropriate, tribal law enforcement agen-  
21 cies, schools, community groups, social service  
22 agencies, job agencies, faith-based organiza-  
23 tions, and other organizations have committed  
24 resources to—

1 (i) respond to the gang crime prob-  
2 lem; and

3 (ii) participate in a gang enforcement  
4 team;

5 (D) the extent to which a significant in-  
6 crease in the allocation of Federal resources  
7 would enhance local response to the gang crime  
8 activities in the area; and

9 (E) any other criteria that the Attorney  
10 General considers to be appropriate.

11 (5) RELATION TO HIDTAS.—If the Attorney  
12 General establishes a high intensity gang activity  
13 area that substantially overlaps geographically with  
14 any existing high intensity drug trafficking area (in  
15 this section referred to as a “HIDTA”), the Attor-  
16 ney General shall direct the local collaborative work-  
17 ing group for that high intensity gang activity area  
18 to enter into an agreement with the Executive Board  
19 for that HIDTA, providing that—

20 (A) the Executive Board of that HIDTA  
21 shall establish a separate high intensity gang  
22 activity area law enforcement steering com-  
23 mittee, and select (with a preference for Fed-  
24 eral, State, and local law enforcement agencies  
25 that are within the geographic area of that high

1 intensity gang activity area) the members of  
2 that committee, subject to the concurrence of  
3 the Attorney General;

4 (B) the high intensity gang activity area  
5 law enforcement steering committee established  
6 under subparagraph (A) shall administer the  
7 funds provided under subsection (g)(1) for the  
8 criminal street gang enforcement team, after  
9 consulting with, and consistent with the goals  
10 and strategies established by, that local collabora-  
11 tive working group;

12 (C) the high intensity gang activity area  
13 law enforcement steering committee established  
14 under subparagraph (A) shall select, from Fed-  
15 eral, State, and local law enforcement agencies  
16 within the geographic area of that high inten-  
17 sity gang activity area, the members of the  
18 Criminal Street Gang Enforcement Team, in  
19 accordance with paragraph (3); and

20 (D) the Criminal Street Gang Enforcement  
21 Team of that high intensity gang activity area,  
22 and its law enforcement steering committee,  
23 may, with approval of the Executive Board of  
24 the HIDTA with which it substantially over-

1 laps, utilize the intelligence-sharing, administra-  
2 tive, and other resources of that HIDTA.

3 (c) REPORTING REQUIREMENTS.—

4 (1) IN GENERAL.—Not later than December 1  
5 of each year, the Attorney General shall submit a re-  
6 port to the appropriate committees of Congress and  
7 the Director of the Office of Management and Budg-  
8 et and the Domestic Policy Council that describes,  
9 for each designated high intensity gang activity  
10 area—

11 (A) the specific long-term and short-term  
12 goals and objectives;

13 (B) the measurements used to evaluate the  
14 performance of the high intensity gang activity  
15 area in achieving the long-term and short-term  
16 goals;

17 (C) the age, composition, and membership  
18 of gangs;

19 (D) the number and nature of crimes com-  
20 mitted by gangs and gang members;

21 (E) the definition of the term “gang” used  
22 to compile that report; and

23 (F) the programmatic outcomes and fund-  
24 ing need of the high intensity gang area, includ-  
25 ing—

1 (i) an evidence-based analysis of the  
 2 best practices and outcomes from the work  
 3 of the relevant local collaborative working  
 4 group; and

5 (ii) an analysis of whether Federal re-  
 6 sources distributed meet the needs of the  
 7 high intensity gang activity area and, if  
 8 any programmatic funding shortfalls exist,  
 9 recommendations for programs or funding  
 10 to meet such shortfalls.

11 (2) APPROPRIATE COMMITTEES.—In this sub-  
 12 section, the term “appropriate committees of Con-  
 13 gress” means—

14 (A) the Committee on the Judiciary, the  
 15 Committee on Appropriations, and the Com-  
 16 mittee on Health, Education, Labor, and Pen-  
 17 sions of the Senate; and

18 (B) the Committee on the Judiciary, the  
 19 Committee on Appropriations, the Committee  
 20 on Education and Labor, and the Committee on  
 21 Energy and Commerce of the House of Rep-  
 22 resentatives.

23 (d) ADDITIONAL ASSISTANT UNITED STATES ATTOR-  
 24 NEYS.—The Attorney General is authorized to hire 94 ad-  
 25 ditional Assistant United States attorneys, and non-



1 attorney coordinators and paralegals as necessary, to  
2 carry out the provisions of this section.

3 (e) ADDITIONAL DEFENSE COUNSEL.—In each of  
4 the fiscal years 2008 through 2012, the Director of the  
5 Administrative Office of the United States Courts is au-  
6 thorized to hire 71 additional attorneys, nonattorney coor-  
7 dinators, and investigators, as necessary, in Federal De-  
8 fender Programs and Federal Community Defender Orga-  
9 nizations, and to make additional payments as necessary  
10 to retain appointed counsel under section 3006A of title  
11 18, United States Code, to adequately respond to any in-  
12 creased or expanded caseloads that may occur as a result  
13 of this subtitle or the amendments made by this subtitle.  
14 Funding under this subsection shall not exceed the fund-  
15 ing levels under subsection (d).

16 (f) NATIONAL GANG RESEARCH, EVALUATION, AND  
17 POLICY INSTITUTE.—

18 (1) IN GENERAL.—The Office of Justice Pro-  
19 grams of the Department of Justice, after consulting  
20 with relevant law enforcement officials, practitioners  
21 and researchers, shall establish a National Gang Re-  
22 search, Evaluation, and Policy Institute (in this sub-  
23 section referred to as the “Institute”).

24 (2) ACTIVITIES.—The Institute shall—

1 (A) promote and facilitate the implementa-  
2 tion of data-driven, effective gang violence sup-  
3 pression, prevention, intervention, and reentry  
4 models, such as the Operation Ceasefire model,  
5 the Strategic Public Health Approach, the  
6 Gang Reduction Program, or any other prom-  
7 ising municipally driven, comprehensive commu-  
8 nity-wide strategy that is demonstrated to be  
9 effective in reducing gang violence;

10 (B) assist jurisdictions by conducting time-  
11 ly research on effective models and designing  
12 and promoting implementation of effective local  
13 strategies, including programs that have objec-  
14 tives and data on how they reduce gang violence  
15 (including shootings and killings), using preven-  
16 tion, outreach, and community approaches, and  
17 that demonstrate the efficacy of these ap-  
18 proaches; and

19 (C) provide and contract for technical as-  
20 sistance as needed in support of its mission.

21 (3) NATIONAL CONFERENCE.—Not later than  
22 90 days after the date of its formation, the Institute  
23 shall design and conduct a national conference to re-  
24 duce and prevent gang violence, and to teach and  
25 promote gang violence prevention, intervention, and

1 reentry strategies. The conference shall be attended  
2 by appropriate representatives from criminal street  
3 gang enforcement teams, and local collaborative  
4 working groups, including representatives of edu-  
5 cational, community, religious, and social service or-  
6 ganizations, and gang program and policy research  
7 evaluators.

8 (4) NATIONAL DEMONSTRATION SITES.—Not  
9 later than 120 days after the date of its formation,  
10 the Institute shall select appropriate HIGAA areas  
11 to serve as primary national demonstration sites,  
12 based on the nature, concentration, and distribution  
13 of various gang types, the jurisdiction's established  
14 capacity to integrate prevention, intervention, re-  
15 entry and enforcement efforts, and the range of par-  
16 ticular gang-related issues. After establishing pri-  
17 mary national demonstration sites, the Institute  
18 shall establish such other secondary sites, to be  
19 linked to and receive evaluation, research, and tech-  
20 nical assistance through the primary sites, as it may  
21 determine appropriate.

22 (5) DISSEMINATION OF INFORMATION.—Not  
23 later than 180 days after the date of its formation,  
24 the Institute shall develop and begin dissemination  
25 of information about methods to effectively reduce

1 and prevent gang violence, including guides, research  
2 and assessment models, case studies, evaluations,  
3 and best practices. The Institute shall also create a  
4 website, designed to support the implementation of  
5 successful gang violence prevention models, and dis-  
6 seminate appropriate information to assist jurisdic-  
7 tions in reducing gang violence.

8 (6) GANG INTERVENTION ACADEMIES.—Not  
9 later than 6 months after the date of its formation,  
10 the Institute shall, either directly or through con-  
11 tracts with qualified nonprofit organizations, estab-  
12 lish not less than 1 training academy, located in a  
13 high intensity gang activity area, to promote effec-  
14 tive gang intervention and community policing. The  
15 purposes of an academy established under this para-  
16 graph shall be to increase professionalism of gang  
17 intervention workers, improve officer training for  
18 working with gang intervention workers, create best  
19 practices for independent cooperation between offi-  
20 cers and intervention workers, and develop training  
21 for community policing.

22 (7) SUPPORT.—The Institute shall obtain initial  
23 and continuing support from experienced researchers  
24 and practitioners, as it determines necessary, to test

1 and assist in implementing its strategies nationally,  
2 regionally, and locally.

3 (8) RESEARCH AGENDA.—The Institute shall  
4 establish and implement a core research agenda de-  
5 signed to address areas of particular challenge, in-  
6 cluding—

7 (A) how best to apply and continue to test  
8 the models described in paragraph (2) in par-  
9 ticularly large jurisdictions;

10 (B) how to foster and maximize the con-  
11 tinuing impact of community moral voices in  
12 this context;

13 (C) how to ensure the long-term sustain-  
14 ability of reduced violent crime levels once ini-  
15 tial levels of enthusiasm may subside; and

16 (D) how to apply existing intervention  
17 frameworks to emerging local, regional, na-  
18 tional, or international gang problems, such as  
19 the emergence of the gang known as MS-13.

20 (9) EVALUATION.—The National Institute of  
21 Justice shall evaluate, on a continuing basis, com-  
22 prehensive gang violence prevention, intervention,  
23 suppression, and reentry strategies supported by the  
24 Institute, and shall report the results of these eval-  
25 uations by no later than October 1 each year to the

1 Committee on the Judiciary of the Senate and the  
2 Committee on the Judiciary of the House of Rep-  
3 resentatives.

4 (10) FUNDS.—The Attorney General shall use  
5 not less than 3 percent, and not more than 5 per-  
6 cent, of the amounts made available under this sec-  
7 tion to establish and operate the Institute.

8 (g) USE OF FUNDS.—Of amounts made available to  
9 a local collaborative working group under this section for  
10 each fiscal year that are remaining after the costs of hir-  
11 ing a full time coordinator for the local collaborative ef-  
12 fort—

13 (1) 50 percent shall be used for the operation  
14 of criminal street gang enforcement teams; and

15 (2) 50 percent shall be used—

16 (A) to provide at-risk youth with positive  
17 alternatives to gangs and other violent groups  
18 and to address the needs of those who leave  
19 gangs and other violent groups through—

20 (i) service providers in the community,  
21 including schools and school districts; and

22 (ii) faith leaders and other individuals  
23 experienced at reaching youth who have  
24 been involved in violence and violent gangs  
25 or groups;

1 (B) for the establishment and operation of  
2 the National Gang Research, Evaluation, and  
3 Policy Institute; and

4 (C) to support and provide technical assist-  
5 ance to research in criminal justice, social serv-  
6 ices, and community gang violence prevention  
7 collaborations.

8 (h) AUTHORIZATION OF APPROPRIATIONS.—There  
9 are authorized to be appropriated to carry out this section  
10 \$75,000,000 for each of fiscal years 2008 through 2012.  
11 Any funds made available under this subsection shall re-  
12 main available until expended.

13 **SEC. 2262. GANG PREVENTION GRANTS.**

14 (a) AUTHORITY TO MAKE GRANTS.—The Office of  
15 Justice Programs of the Department of Justice may make  
16 grants, in accordance with such regulations as the Attor-  
17 ney General may prescribe, to States, units of local gov-  
18 ernment, tribal governments, and qualified private enti-  
19 ties, to develop community-based programs that provide  
20 crime prevention, research, and intervention services that  
21 are designed for gang members and at-risk youth.

22 (b) USE OF GRANT AMOUNTS.—A grant under this  
23 section may be used (including through subgrants) for—

24 (1) preventing initial gang recruitment and in-  
25 volvement among younger teenagers;

1           (2) reducing gang involvement through non-  
2 violent and constructive activities, such as commu-  
3 nity service programs, development of nonviolent  
4 conflict resolution skills, employment and legal as-  
5 sistance, family counseling, and other safe, commu-  
6 nity-based alternatives for high-risk youth;

7           (3) developing in-school and after-school gang  
8 safety, control, education, and resistance procedures  
9 and programs;

10          (4) identifying and addressing early childhood  
11 risk factors for gang involvement, including parent  
12 training and childhood skills development;

13          (5) identifying and fostering protective factors  
14 that buffer children and adolescents from gang in-  
15 volvement;

16          (6) developing and identifying investigative pro-  
17 grams designed to deter gang recruitment, involve-  
18 ment, and activities through effective intelligence  
19 gathering;

20          (7) developing programs and youth centers for  
21 first-time nonviolent offenders facing alternative  
22 penalties, such as mandated participation in commu-  
23 nity service, restitution, counseling, and education  
24 and prevention programs;



1           (8) implementing regional, multidisciplinary ap-  
2           proaches to combat gang violence through coordi-  
3           nated programs for prevention and intervention (in-  
4           cluding street outreach programs and other peace-  
5           making activities) or coordinated law enforcement  
6           activities (including regional gang task forces and  
7           regional crime mapping strategies that enhance fo-  
8           cused prosecutions and reintegration strategies for  
9           offender reentry); or

10           (9) identifying at-risk and high-risk students  
11           through home visits organized through joint collabo-  
12           rations between law enforcement, faith-based organi-  
13           zations, schools, and social workers.

14           (c) GRANT REQUIREMENTS.—

15           (1) MAXIMUM.—The amount of a grant under  
16           this section may not exceed \$1,000,000.

17           (2) CONSULTATION AND COOPERATION.—Each  
18           recipient of a grant under this section shall have in  
19           effect on the date of the application by that entity  
20           agreements to consult and cooperate with local,  
21           State, or Federal law enforcement and participate,  
22           as appropriate, in coordinated efforts to reduce gang  
23           activity and violence.

24           (d) ANNUAL REPORT.—Each recipient of a grant  
25           under this section shall submit to the Attorney General,

1 for each year in which funds from a grant received under  
2 this section are expended, a report containing—

3 (1) a summary of the activities carried out with  
4 grant funds during that year;

5 (2) an assessment of the effectiveness of the  
6 crime prevention, research, and intervention activi-  
7 ties of the recipient, based on data collected by the  
8 grant recipient;

9 (3) a strategic plan for the year following the  
10 year described in paragraph (1);

11 (4) evidence of consultation and cooperation  
12 with local, State, or Federal law enforcement or, if  
13 the grant recipient is a government entity, evidence  
14 of consultation with an organization engaged in any  
15 activity described in subsection (b); and

16 (5) such other information as the Attorney  
17 General may require.

18 (e) DEFINITION.—In this section, the term “units of  
19 local government” includes sheriffs departments, police  
20 departments, and local prosecutor offices.

21 (f) AUTHORIZATION OF APPROPRIATIONS.—There  
22 are authorized to be appropriated for grants under this  
23 section \$35,000,000 for each of the fiscal years 2008  
24 through 2012.

1 **SEC. 2263. ENHANCEMENT OF PROJECT SAFE NEIGHBOR-**  
2 **HOODS INITIATIVE TO IMPROVE ENFORCE-**  
3 **MENT OF CRIMINAL LAWS AGAINST VIOLENT**  
4 **GANGS.**

5 (a) IN GENERAL.—While maintaining the focus of  
6 Project Safe Neighborhoods as a comprehensive, strategic  
7 approach to reducing gun violence in America, the Attor-  
8 ney General is authorized to expand the Project Safe  
9 Neighborhoods program to require each United States at-  
10 torney to—

11 (1) identify, investigate, and prosecute signifi-  
12 cant criminal street gangs operating within their dis-  
13 trict; and

14 (2) coordinate the identification, investigation,  
15 and prosecution of criminal street gangs among Fed-  
16 eral, State, and local law enforcement agencies.

17 (b) ADDITIONAL STAFF FOR PROJECT SAFE NEIGH-  
18 BORHOODS.—

19 (1) IN GENERAL.—The Attorney General may  
20 hire Assistant United States attorneys, non-attorney  
21 coordinators, or paralegals to carry out the provi-  
22 sions of this section.

23 (2) ENFORCEMENT.—The Attorney General  
24 may hire Bureau of Alcohol, Tobacco, Firearms, and  
25 Explosives agents for, and otherwise expend addi-  
26 tional resources in support of, the Project Safe

1       Neighborhoods/Firearms Violence Reduction pro-  
2       gram.

3               (3) AUTHORIZATION OF APPROPRIATIONS.—

4       There are authorized to be appropriated  
5       \$20,000,000 for each of fiscal years 2008 through  
6       2012 to carry out this section. Any funds made  
7       available under this paragraph shall remain available  
8       until expended.

9   **SEC. 2264. ADDITIONAL RESOURCES NEEDED BY THE FED-**  
10                   **ERAL BUREAU OF INVESTIGATION TO INVES-**  
11                   **TIGATE AND PROSECUTE VIOLENT CRIMINAL**  
12                   **STREET GANGS.**

13       (a) EXPANSION OF SAFE STREETS PROGRAM.—The  
14       Attorney General is authorized to expand the Safe Streets  
15       Program of the Federal Bureau of Investigation for the  
16       purpose of supporting criminal street gang enforcement  
17       teams.

18       (b) NATIONAL GANG ACTIVITY DATABASE.—

19               (1) IN GENERAL.—The Attorney General shall  
20       establish a National Gang Activity Database to be  
21       housed at and administered by the Department of  
22       Justice.

23               (2) DESCRIPTION.—The database required by  
24       paragraph (1) shall—

1 (A) be designed to disseminate gang infor-  
2 mation to law enforcement agencies throughout  
3 the country and, subject to appropriate con-  
4 trols, to disseminate aggregate statistical infor-  
5 mation to other members of the criminal justice  
6 system, community leaders, academics, and the  
7 public;

8 (B) contain critical information on gangs,  
9 gang members, firearms, criminal activities, ve-  
10 hicles, and other information useful for inves-  
11 tigators in solving and reducing gang-related  
12 crimes;

13 (C) operate in a manner that enables law  
14 enforcement agencies to—

15 (i) identify gang members involved in  
16 crimes;

17 (ii) track the movement of gangs and  
18 members throughout the region;

19 (iii) coordinate law enforcement re-  
20 sponse to gang violence;

21 (iv) enhance officer safety;

22 (v) provide realistic, up-to-date figures  
23 and statistical data on gang crime and vio-  
24 lence;

1 (vi) forecast trends and respond ac-  
2 cordingly; and

3 (vii) more easily solve crimes and pre-  
4 vent violence; and

5 (D) be subject to guidelines, issued by the  
6 Attorney General, specifying the criteria for  
7 adding information to the database, the appro-  
8 priate period for retention of such information,  
9 and a process for removing individuals from the  
10 database, and prohibiting disseminating gang  
11 information to any entity that is not a law en-  
12 forcement agency, except aggregate statistical  
13 information where appropriate.

14 (3) USE OF RISS SECURE INTRANET.—From  
15 amounts made available to carry out this section, the  
16 Attorney General shall provide the Regional Infor-  
17 mation Sharing Systems such sums as are necessary  
18 to use the secure intranet known as RISSNET to  
19 electronically connect existing gang information sys-  
20 tems (including the RISSGang National Gang Data-  
21 base) with the National Gang Activity Database,  
22 thereby facilitating the automated information ex-  
23 change of existing gang data by all connected sys-  
24 tems without the need for additional databases or  
25 data replication.

1 (c) AUTHORIZATION OF APPROPRIATIONS.—

2 (1) IN GENERAL.—In addition to amounts oth-  
 3 erwise authorized, there are authorized to be appro-  
 4 priated to the Attorney General \$10,000,000 for  
 5 each of fiscal years 2008 through 2012 to carry out  
 6 this section.

7 (2) AVAILABILITY.—Any amounts appropriated  
 8 under paragraph (1) shall remain available until ex-  
 9 pended.

10 **SEC. 2265. GRANTS TO PROSECUTORS AND LAW ENFORCE-**  
 11 **MENT TO COMBAT VIOLENT CRIME.**

12 (a) IN GENERAL.—Section 31702 of the Violent  
 13 Crime Control and Law Enforcement Act of 1994 (42  
 14 U.S.C. 13862) is amended—

15 (1) in paragraph (3), by striking “and” at the  
 16 end;

17 (2) in paragraph (4), by striking the period at  
 18 the end and inserting a semicolon; and

19 (3) by adding at the end the following:

20 “(5) to hire additional prosecutors to—

21 “(A) allow more cases to be prosecuted;

22 and

23 “(B) reduce backlogs; and

24 “(6) to fund technology, equipment, and train-  
 25 ing for prosecutors and law enforcement in order to

1       increase accurate identification of gang members  
 2       and violent offenders, and to maintain databases  
 3       with such information to facilitate coordination  
 4       among law enforcement and prosecutors.”.

5       (b) AUTHORIZATION OF APPROPRIATIONS.—Section  
 6       31707 of the Violent Crime Control and Law Enforcement  
 7       Act of 1994 (42 U.S.C. 13867) is amended to read as  
 8       follows:

9       **“SEC. 31707. AUTHORIZATION OF APPROPRIATIONS.**

10       “There are authorized to be appropriated  
 11       \$20,000,000 for each of the fiscal years 2008 through  
 12       2012 to carry out this subtitle.”.

13       **SEC. 2266. EXPANSION AND REAUTHORIZATION OF THE**  
 14                               **MENTORING INITIATIVE FOR SYSTEM IN-**  
 15                               **VOLVED YOUTH.**

16       (a) EXPANSION.—Section 261(a) of the Juvenile Jus-  
 17       tice and Delinquency Prevention Act of 1974 (42 U.S.C.  
 18       5665(a)) is amended by adding at the end the following:  
 19       “The Administrator shall expand the number of sites re-  
 20       ceiving such grants from 4 to 12.”.

21       (b) AUTHORIZATION OF PROGRAM.—Section 299(c)  
 22       of the Juvenile Justice and Delinquency Prevention Act  
 23       of 1974 (42 U.S.C. 5671(c)) is amended—

24               (1) by striking “There are authorized” and in-  
 25       serting the following:



1 “(1) IN GENERAL.—There are authorized”; and

2 (2) by adding at the end the following:

3 “(2) AUTHORIZATION OF APPROPRIATIONS FOR  
4 MENTORING INITIATIVE.—There are authorized to  
5 be appropriated to carry out the Mentoring Initiative  
6 for System Involved Youth Program under part E  
7 \$4,800,000 for each of fiscal years 2008 through  
8 2012.”.

9 **SEC. 2267. DEMONSTRATION GRANTS TO ENCOURAGE CRE-**  
10 **ATIVE APPROACHES TO GANG ACTIVITY AND**  
11 **AFTER-SCHOOL PROGRAMS.**

12 (a) IN GENERAL.—The Attorney General may make  
13 grants to public or nonprofit private entities (including  
14 faith-based organizations) for the purpose of assisting the  
15 entities in carrying out projects involving innovative ap-  
16 proaches to combat gang activity.

17 (b) CERTAIN APPROACHES.—Approaches under sub-  
18 section (a) may include the following:

19 (1) Encouraging teen-driven approaches to  
20 gang activity prevention.

21 (2) Educating parents to recognize signs of  
22 problems and potential gang involvement in their  
23 children.

1           (3) Teaching parents the importance of a nur-  
2           turing family and home environment to keep chil-  
3           dren out of gangs.

4           (4) Facilitating communication between parents  
5           and children, especially programs that have been  
6           evaluated and proven effective.

7           (c) MATCHING FUNDS.—

8           (1) IN GENERAL.—The Attorney General may  
9           make a grant under this section only if the entity re-  
10          ceiving the grant agrees to make available (directly  
11          or through donations from public or private entities)  
12          non-Federal contributions toward the cost of activi-  
13          ties to be performed with that grant in an amount  
14          that is not less than 25 percent of such costs.

15          (2) DETERMINATION OF AMOUNT CONTRIB-  
16          UTED.—Non-Federal contributions required under  
17          paragraph (1) may be in cash or in kind, fairly eval-  
18          uated, including facilities, equipment, or services.  
19          Amounts provided by the Federal Government, or  
20          services assisted or subsidized to any significant ex-  
21          tent by the Federal Government, may not be in-  
22          cluded in determining the amount of such non-Fed-  
23          eral contributions.

24          (d) EVALUATION OF PROJECTS.—

1           (1) IN GENERAL.—The Attorney General shall  
2       establish criteria for the evaluation of projects in-  
3       volving innovative approaches under subsection (a).

4           (2) GRANTEES.—A grant may be made under  
5       subsection (a) only if the entity involved—

6           (A) agrees to conduct evaluations of the  
7       approach in accordance with the criteria estab-  
8       lished under paragraph (1);

9           (B) agrees to submit to the Attorney Gen-  
10      eral reports describing the results of the evalua-  
11      tions, as the Attorney General determines to be  
12      appropriate; and

13          (C) submits to the Attorney General, in  
14      the application under subsection (e), a plan for  
15      conducting the evaluations.

16      (e) APPLICATION FOR GRANT.—A public or nonprofit  
17      private entity desiring a grant under this section shall sub-  
18      mit an application in such form, in such manner, and con-  
19      taining such agreements, assurances, and information (in-  
20      cluding the agreements under subsections (c) and (d) and  
21      the plan under subsection (d)(2)(C)) as the Attorney Gen-  
22      eral determines appropriate.

23      (f) REPORT TO CONGRESS.—Not later than February  
24      1 of each year, the Attorney General shall submit to Con-  
25      gress a report describing the extent to which the ap-

1 proaches under subsection (a) have been successful in re-  
 2 ducing the rate of gang activity in the communities in  
 3 which the approaches have been carried out. Each report  
 4 under this subsection shall describe the various ap-  
 5 proaches used under subsection (a) and the effectiveness  
 6 of each of the approaches.

7 (g) AUTHORIZATION OF APPROPRIATIONS.—There  
 8 are authorized to be appropriated \$5,000,000 to carry out  
 9 this section for each of the fiscal years 2008 through  
 10 2012.

11 **SEC. 2268. SHORT-TERM STATE WITNESS PROTECTION SEC-**  
 12 **TION.**

13 (a) ESTABLISHMENT.—

14 (1) IN GENERAL.—Chapter 37 of title 28,  
 15 United States Code, is amended by adding at the  
 16 end the following:

17 **“§ 570. Short-Term State Witness Protection Section**

18 “(a) IN GENERAL.—There is established in the  
 19 United States Marshals Service a Short-Term State Wit-  
 20 ness Protection Section which shall provide protection for  
 21 witnesses in State and local trials involving homicide or  
 22 other major violent crimes pursuant to cooperative agree-  
 23 ments with State and local criminal prosecutor’s offices  
 24 and the United States attorney for the District of Colum-  
 25 bia.

1 “(b) ELIGIBILITY.—

2 “(1) IN GENERAL.—The Short-Term State Wit-  
3 ness Protection Section shall give priority in award-  
4 ing grants and providing services to—

5 “(A) criminal prosecutor’s offices for  
6 States with an average of not less than 100  
7 murders per year; and

8 “(B) criminal prosecutor’s offices for juris-  
9 dictions that include a city, town, or township  
10 with an average violent crime rate per 100,000  
11 inhabitants that is above the national average.

12 “(2) CALCULATION.—The rate of murders and  
13 violent crime under paragraph (1) shall be calculated  
14 using the latest available crime statistics from the  
15 Federal Bureau of Investigation during 5-year pe-  
16 riod immediately preceding an application for protec-  
17 tion.”.

18 (2) CHAPTER ANALYSIS.—The chapter analysis  
19 for chapter 37 of title 28, United States Code, is  
20 amended by striking the items relating to sections  
21 570 through 576 and inserting the following:

“570. Short-Term State Witness Protection Section.”.

22 (b) GRANT PROGRAM.—

23 (1) DEFINITIONS.—In this subsection—

24 (A) the term “eligible prosecutor’s office”  
25 means a State or local criminal prosecutor’s of-

1           fice or the United States attorney for the Dis-  
 2           trict of Columbia; and

3           (B) the term “serious violent felony” has  
 4           the same meaning as in section 3559(c)(2) of  
 5           title 18, United States Code.

6           (2) GRANTS AUTHORIZED.—

7           (A) IN GENERAL.—The Attorney General  
 8           is authorized to make grants to eligible prosecu-  
 9           tor’s offices for purposes of identifying wit-  
 10          nesses in need of protection or providing short  
 11          term protection to witnesses in trials involving  
 12          homicide or serious violent felony.

13          (B) ALLOCATION.—Each eligible prosecu-  
 14          tor’s office receiving a grant under this sub-  
 15          section may—

16               (i) use the grant to identify witnesses  
 17               in need of protection or provide witness  
 18               protection (including tattoo removal serv-  
 19               ices); or

20               (ii) pursuant to a cooperative agree-  
 21               ment with the Short-Term State Witness  
 22               Protection Section of the United States  
 23               Marshals Service, credit the grant to the  
 24               Short-Term State Witness Protection Sec-  
 25               tion to cover the costs to the section of

1 providing witness protection on behalf of  
2 the eligible prosecutor's office.

3 (3) APPLICATION.—

4 (A) IN GENERAL.—Each eligible prosecu-  
5 tor's office desiring a grant under this sub-  
6 section shall submit an application to the Attor-  
7 ney General at such time, in such manner, and  
8 accompanied by such information as the Attor-  
9 ney General may reasonably require.

10 (B) CONTENTS.—Each application sub-  
11 mitted under subparagraph (A) shall—

12 (i) describe the activities for which as-  
13 sistance under this subsection is sought;  
14 and

15 (ii) provide such additional assurances  
16 as the Attorney General determines to be  
17 essential to ensure compliance with the re-  
18 quirements of this subsection.

19 (4) AUTHORIZATION OF APPROPRIATIONS.—

20 There are authorized to be appropriated to carry out  
21 this subsection \$90,000,000 for each of fiscal years  
22 2008 through 2010.

23 **SEC. 2269. WITNESS PROTECTION SERVICES.**

24 Section 3526 of title 18, United States Code (Co-  
25 operation of other Federal agencies and State govern-

1 ments; reimbursement of expenses) is amended by adding  
 2 at the end the following:

3 “(c) In any case in which a State government re-  
 4 quests the Attorney General to provide temporary protec-  
 5 tion under section 3521(e) of this title, the costs of pro-  
 6 viding temporary protection are not reimbursable if the  
 7 investigation or prosecution in any way relates to crimes  
 8 of violence committed by a criminal street gang, as defined  
 9 under the laws of the relevant State seeking assistance  
 10 under this title.”.

11 **SEC. 2270. EXPANSION OF FEDERAL WITNESS RELOCATION**  
 12 **AND PROTECTION PROGRAM.**

13 Section 3521(a)(1) of title 18 is amended by inserting  
 14 “, criminal street gang, serious drug offense, homicide,”  
 15 after “organized criminal activity”.

16 **SEC. 2271. FAMILY ABDUCTION PREVENTION GRANT PRO-**  
 17 **GRAM.**

18 (a) STATE GRANTS.—The Attorney General is au-  
 19 thorized to make grants to States for projects involving—

20 (1) the extradition of individuals suspected of  
 21 committing a family abduction;

22 (2) the investigation by State and local law en-  
 23 forcement agencies of family abduction cases;

24 (3) the training of State and local law enforce-  
 25 ment agencies in responding to family abductions



1 and recovering abducted children, including the de-  
2 velopment of written guidelines and technical assist-  
3 ance;

4 (4) outreach and media campaigns to educate  
5 parents on the dangers of family abductions; and

6 (5) the flagging of school records.

7 (b) MATCHING REQUIREMENT.—Not less than 50  
8 percent of the cost of a project for which a grant is made  
9 under this section shall be provided by non-Federal  
10 sources.

11 (c) DEFINITIONS.—In this section:

12 (1) FAMILY ABDUCTION.—The term “family  
13 abduction” means the taking, keeping, or concealing  
14 of a child or children by a parent, other family mem-  
15 ber, or person acting on behalf of the parent or fam-  
16 ily member, that prevents another individual from  
17 exercising lawful custody or visitation rights.

18 (2) FLAGGING.—The term “flagging” means  
19 the process of notifying law enforcement authorities  
20 of the name and address of any person requesting  
21 the school records of an abducted child.

22 (3) STATE.—The term “State” means each of  
23 the several States, the District of Columbia, the  
24 Commonwealth of Puerto Rico, the Commonwealth  
25 of the Northern Mariana Islands, American Samoa,

1       Guam, the Virgin Islands, any territory or posses-  
 2       sion of the United States, and any Indian tribe.

3       (d) AUTHORIZATION OF APPROPRIATIONS.—There  
 4       are authorized to be appropriated to carry out this section  
 5       \$500,000 for fiscal year 2008 and such sums as may be  
 6       necessary for each of fiscal years 2009 and 2010.

7       **SEC. 2272. STUDY ON ADOLESCENT DEVELOPMENT AND**  
 8               **SENTENCES IN THE FEDERAL SYSTEM.**

9       (a) IN GENERAL.—The United States Sentencing  
 10       Commission shall conduct a study to examine the appro-  
 11       priateness of sentences for minors in the Federal system.

12       (b) CONTENTS.—The study conducted under sub-  
 13       section (a) shall—

14               (1) incorporate the most recent research and  
 15       expertise in the field of adolescent brain development  
 16       and culpability;

17               (2) evaluate the toll of juvenile crime, particu-  
 18       larly violent juvenile crime, on communities;

19               (3) consider the appropriateness of life sen-  
 20       tences without possibility for parole for minor of-  
 21       fenders in the Federal system; and

22               (4) evaluate issues of recidivism by juveniles  
 23       who are released from prison or detention after serv-  
 24       ing determinate sentences.

1       (c) REPORT.—Not later than 1 year after the date  
2 of enactment of this Act, the United States Sentencing  
3 Commission shall submit to Congress a report regarding  
4 the study conducted under subsection (a), which shall—

- 5           (1) include the findings of the Commission;  
6           (2) describe significant cases reviewed as part  
7 of the study; and  
8           (3) make recommendations, if any.

9       (d) REVISION OF GUIDELINES.—If determined ap-  
10 propriate by the United States Sentencing Commission,  
11 after completing the study under subsection (a) the Com-  
12 mission may, pursuant to its authority under section 994  
13 of title 28, United States Code, establish or revise guide-  
14 lines and policy statements, as warranted, relating to the  
15 sentencing of minors under this subtitle or the amend-  
16 ments made by this subtitle.

17 **SEC. 2273. NATIONAL YOUTH ANTI-HEROIN MEDIA CAM-**  
18 **PAIGN.**

19       Section 709 of the Office of National Drug Control  
20 Policy Reauthorization Act of 1998 (21 U.S.C. 1708) is  
21 amended—

- 22           (1) by redesignating subsections (k) and (l) as  
23 subsections (l) and (m), respectively; and  
24           (2) by inserting after subsection (j) the fol-  
25 lowing:

1 “(k) PREVENTION OF HEROIN ABUSE.—

2 “(1) FINDINGS.—Congress finds the following:

3 “(A) Heroin, and particularly the form  
4 known as ‘cheese heroin’ (a drug made by mix-  
5 ing black tar heroin with diphenhydramine),  
6 poses a significant and increasing threat to  
7 youth in the United States.

8 “(B) Drug organizations import heroin  
9 from outside of the United States, mix the  
10 highly addictive drug with diphenhydramine,  
11 and distribute it mostly to youth.

12 “(C) Since the initial discovery of cheese  
13 heroin on Dallas school campuses in 2005, at  
14 least 21 minors have died after overdosing on  
15 cheese heroin in Dallas County.

16 “(D) The number of arrests involving pos-  
17 session of cheese heroin in the Dallas area dur-  
18 ing the 2006–2007 school year increased over  
19 60 percent from the previous school year.

20 “(E) The ease of communication via the  
21 Internet and cell phones allows a drug trend to  
22 spread rapidly across the country, creating a  
23 national threat.

24 “(F) Gangs recruit youth as new members  
25 by providing them with this inexpensive drug.

1           “(G) Reports show that there is rampant  
2           ignorance among youth about the dangerous  
3           and potentially fatal effects of cheese heroin.

4           “(2) PREVENTION OF HEROIN ABUSE.—In con-  
5           ducting advertising and activities otherwise author-  
6           ized under this section, the Director shall promote  
7           prevention of youth heroin use, including cheese her-  
8           oin.”.

9   **SEC. 2274. TRAINING AT THE NATIONAL ADVOCACY CEN-**  
10           **TER.**

11       (a) IN GENERAL.—The National District Attorneys  
12   Association may use the services of the National Advocacy  
13   Center in Columbia, South Carolina to conduct a national  
14   training program for State and local prosecutors for the  
15   purpose of improving the professional skills of State and  
16   local prosecutors and enhancing the ability of Federal,  
17   State, and local prosecutors to work together.

18       (b) TRAINING.—The National Advocacy Center in  
19   Columbia, South Carolina may provide comprehensive con-  
20   tinuing legal education in the areas of trial practice, sub-  
21   stantive legal updates, and support staff training.

22       (c) AUTHORIZATION OF APPROPRIATIONS.—There  
23   are authorized to be appropriated to the Attorney General  
24   to carry out this section \$6,500,000, to remain available  
25   until expended, for fiscal years 2008 through 2011.

**PART IV—CRIME PREVENTION AND  
INTERVENTION STRATEGIES**

**SEC. 2281. SHORT TITLE.**

This title may be cited as the “Prevention Resources for Eliminating Criminal Activity Using Tailored Interventions in Our Neighborhoods Act of 2007” or the “PRECAUTION Act”.

**SEC. 2282. PURPOSES.**

The purposes of this title are to—

(1) establish a commitment on the part of the Federal Government to provide leadership on successful crime prevention and intervention strategies;

(2) further the integration of crime prevention and intervention strategies into traditional law enforcement practices of State and local law enforcement offices around the country;

(3) develop a plain-language, implementation-focused assessment of those current crime and delinquency prevention and intervention strategies that are supported by rigorous evidence;

(4) provide additional resources to the National Institute of Justice to administer research and development grants for promising crime prevention and intervention strategies;

(5) develop recommendations for Federal priorities for crime and delinquency prevention and inter-

1       vention research, development, and funding that  
 2       may augment important Federal grant programs, in-  
 3       cluding the Edward Byrne Memorial Justice Assist-  
 4       ance Grant Program under subpart 1 of part E of  
 5       title I of the Omnibus Crime Control and Safe  
 6       Streets Act of 1968 (42 U.S.C. 3750 et seq.), grant  
 7       programs administered by the Office of Community  
 8       Oriented Policing Services of the Department of  
 9       Justice, grant programs administered by the Office  
 10      of Safe and Drug-Free Schools of the Department  
 11      of Education, and other similar programs; and

12           (6) reduce the costs that rising violent crime  
 13      imposes on interstate commerce.

14   **SEC. 2283. DEFINITIONS.**

15      In this title, the following definitions shall apply:

16           (1) COMMISSION.—The term “Commission”  
 17      means the National Commission on Public Safety  
 18      Through Crime Prevention established under section  
 19      2284(a).

20           (2) RIGOROUS EVIDENCE.—The term “rigorous  
 21      evidence” means evidence generated by scientifically  
 22      valid forms of outcome evaluation, particularly ran-  
 23      domized trials (where practicable).

24           (3) SUBCATEGORY.—The term “subcategory”  
 25      means 1 of the following categories:

1 (A) Family and community settings (in-  
2 cluding public health-based strategies).

3 (B) Law enforcement settings (including  
4 probation-based strategies).

5 (C) School settings (including antigang  
6 and general antiviolenace strategies).

7 (4) TOP-TIER.—The term “top-tier” means any  
8 strategy supported by rigorous evidence of the siz-  
9 able, sustained benefits to participants in the strat-  
10 egy or to society.

11 **SEC. 2284. NATIONAL COMMISSION ON PUBLIC SAFETY**  
12 **THROUGH CRIME PREVENTION.**

13 (a) ESTABLISHMENT.—There is established a com-  
14 mission to be known as the National Commission on Pub-  
15 lic Safety Through Crime Prevention.

16 (b) MEMBERS.—

17 (1) IN GENERAL.—The Commission shall be  
18 composed of 9 members, of whom—

19 (A) 3 shall be appointed by the President,  
20 1 of whom shall be the Assistant Attorney Gen-  
21 eral for the Office of Justice Programs or a  
22 representative of such Assistant Attorney Gen-  
23 eral;

24 (B) 2 shall be appointed by the Speaker of  
25 the House of Representatives, unless the Speak-



1 er is of the same party as the President, in  
2 which case 1 shall be appointed by the Speaker  
3 of the House of Representatives and 1 shall be  
4 appointed by the minority leader of the House  
5 of Representatives;

6 (C) 1 shall be appointed by the minority  
7 leader of the House of Representatives (in addi-  
8 tion to any appointment made under subpara-  
9 graph (B));

10 (D) 2 shall be appointed by the majority  
11 leader of the Senate, unless the majority leader  
12 is of the same party as the President, in which  
13 case 1 shall be appointed by the majority leader  
14 of the Senate and 1 shall be appointed by the  
15 minority leader of the Senate; and

16 (E) 1 member appointed by the minority  
17 leader of the Senate (in addition to any ap-  
18 pointment made under subparagraph (D)).

19 (2) PERSONS ELIGIBLE.—

20 (A) IN GENERAL.—Each member of the  
21 Commission shall be an individual who has  
22 knowledge or expertise in matters to be studied  
23 by the Commission.

24 (B) REQUIRED REPRESENTATIVES.—At  
25 least—

1 (i) 2 members of the Commission  
2 shall be respected social scientists with ex-  
3 perience implementing or interpreting rig-  
4 orous, outcome-based trials; and

5 (ii) 2 members of the Commission  
6 shall be law enforcement practitioners.

7 (3) CONSULTATION REQUIRED.—The President,  
8 the Speaker of the House of Representatives, the mi-  
9 nority leader of the House of Representatives, and  
10 the majority leader and minority leader of the Sen-  
11 ate shall consult prior to the appointment of the  
12 members of the Commission to achieve, to the max-  
13 imum extent possible, fair and equitable representa-  
14 tion of various points of view with respect to the  
15 matters to be studied by the Commission.

16 (4) TERM.—Each member shall be appointed  
17 for the life of the Commission.

18 (5) TIME FOR INITIAL APPOINTMENTS.—The  
19 appointment of the members shall be made not later  
20 than 60 days after the date of enactment of this  
21 Act.

22 (6) VACANCIES.—A vacancy in the Commission  
23 shall be filled in the manner in which the original  
24 appointment was made, and shall be made not later

1 than 60 days after the date on which the vacancy  
2 occurred.

3 (7) EX OFFICIO MEMBERS.—The Director of  
4 the National Institute of Justice, the Director of the  
5 Office of Juvenile Justice and Delinquency Preven-  
6 tion, the Director of the Community Capacity Devel-  
7 opment Office, the Director of the Bureau of Justice  
8 Statistics, the Director of the Bureau of Justice As-  
9 sistance, and the Director of Community Oriented  
10 Policing Services (or a representative of each such  
11 director) shall each serve in an ex officio capacity on  
12 the Commission to provide advice and information to  
13 the Commission.

14 (c) OPERATION.—

15 (1) CHAIRPERSON.—At the initial meeting of  
16 the Commission, the members of the Commission  
17 shall elect a chairperson from among its voting  
18 members, by a vote of  $\frac{2}{3}$  of the members of the  
19 Commission. The chairperson shall retain this posi-  
20 tion for the life of the Commission. If the chair-  
21 person leaves the Commission, a new chairperson  
22 shall be selected, by a vote of  $\frac{2}{3}$  of the members of  
23 the Commission.

24 (2) MEETINGS.—The Commission shall meet at  
25 the call of the chairperson. The initial meeting of the

1 Commission shall take place not later than 30 days  
2 after the date on which all the members of the Com-  
3 mission have been appointed.

4 (3) QUORUM.—A majority of the members of  
5 the Commission shall constitute a quorum to con-  
6 duct business, and the Commission may establish a  
7 lesser quorum for conducting hearings scheduled by  
8 the Commission.

9 (4) RULES.—The Commission may establish by  
10 majority vote any other rules for the conduct of  
11 Commission business, if such rules are not incon-  
12 sistent with this title or other applicable law.

13 (d) PUBLIC HEARINGS.—

14 (1) IN GENERAL.—The Commission shall hold  
15 public hearings. The Commission may hold such  
16 hearings, sit and act at such times and places, take  
17 such testimony, and receive such evidence as the  
18 Commission considers advisable to carry out its du-  
19 ties under this section.

20 (2) FOCUS OF HEARINGS.—The Commission  
21 shall hold at least 3 separate public hearings, each  
22 of which shall focus on 1 of the subcategories.

23 (3) WITNESS EXPENSES.—Witnesses requested  
24 to appear before the Commission shall be paid the  
25 same fees as are paid to witnesses under section

1       1821 of title 28, United States Code. The per diem  
2       and mileage allowances for witnesses shall be paid  
3       from funds appropriated to the Commission.

4       (e) COMPREHENSIVE STUDY OF EVIDENCE-BASED  
5 CRIME PREVENTION AND INTERVENTION STRATEGIES.—

6           (1) IN GENERAL.—The Commission shall carry  
7       out a comprehensive study of the effectiveness of  
8       crime and delinquency prevention and intervention  
9       strategies, organized around the 3 subcategories.

10          (2) MATTERS INCLUDED.—The study under  
11 paragraph (1) shall include—

12           (A) a review of research on the general ef-  
13       fectiveness of incorporating crime prevention  
14       and intervention strategies into an overall law  
15       enforcement plan;

16           (B) an evaluation of how to more effec-  
17       tively communicate the wealth of social science  
18       research to practitioners;

19           (C) a review of evidence regarding the ef-  
20       fectiveness of specific crime prevention and  
21       intervention strategies, focusing on those strate-  
22       gies supported by rigorous evidence;

23           (D) an identification of—

24               (i) promising areas for further re-  
25       search and development; and

1 (ii) other areas representing gaps in  
 2 the body of knowledge that would benefit  
 3 from additional research and development;

4 (E) an assessment of the best practices for  
 5 implementing prevention and intervention strat-  
 6 egies;

7 (F) an assessment of the best practices for  
 8 gathering rigorous evidence regarding the im-  
 9 plementation of intervention and prevention  
 10 strategies; and

11 (G) an assessment of those top-tier strate-  
 12 gies best suited for duplication efforts in a  
 13 range of settings across the country.

14 (3) INITIAL REPORT ON TOP-TIER CRIME PRE-  
 15 VENTION AND INTERVENTION STRATEGIES.—

16 (A) DISTRIBUTION.—Not later than 18  
 17 months after the date on which all members of  
 18 the Commission have been appointed, the Com-  
 19 mission shall submit a public report on the  
 20 study carried out under this subsection to—

21 (i) the President;

22 (ii) Congress;

23 (iii) the Attorney General;

24 (iv) the Chief Federal Public Defender  
 25 of each district;

1 (v) the chief executive of each State;

2 (vi) the Director of the Administrative

3 Office of the Courts of each State;

4 (vii) the Director of the Administra-

5 tive Office of the United States Courts;

6 and

7 (viii) the attorney general of each

8 State.

9 (B) CONTENTS.—The report under sub-  
10 paragraph (A) shall include—

11 (i) the findings and conclusions of the  
12 Commission;

13 (ii) a summary of the top-tier strate-  
14 gies, including—

15 (I) a review of the rigorous evi-  
16 dence supporting the designation of  
17 each strategy as top-tier;

18 (II) a brief outline of the keys to  
19 successful implementation for each  
20 strategy; and

21 (III) a list of references and  
22 other information on where further in-  
23 formation on each strategy can be  
24 found;

1 (iii) recommended protocols for imple-  
 2 menting crime and delinquency prevention  
 3 and intervention strategies generally;

4 (iv) recommended protocols for evalu-  
 5 ating the effectiveness of crime and delin-  
 6 quency prevention and intervention strate-  
 7 gies; and

8 (v) a summary of the materials relied  
 9 upon by the Commission in preparation of  
 10 the report.

11 (C) CONSULTATION WITH OUTSIDE AU-  
 12 THORITIES.—In developing the recommended  
 13 protocols for implementation and rigorous eval-  
 14 uation of top-tier crime and delinquency preven-  
 15 tion and intervention strategies under this para-  
 16 graph, the Commission shall consult with the  
 17 Committee on Law and Justice at the National  
 18 Academy of Science and with national associa-  
 19 tions representing the law enforcement and so-  
 20 cial science professions, including the National  
 21 Sheriffs' Association, the Police Executive Re-  
 22 search Forum, the International Association of  
 23 Chiefs of Police, the Consortium of Social  
 24 Science Associations, and the American Society  
 25 of Criminology.



1       (f) RECOMMENDATIONS REGARDING DISSEMINATION  
2 OF THE INNOVATIVE CRIME PREVENTION AND INTER-  
3 VENTION STRATEGY GRANTS.—

4           (1) SUBMISSION.—

5               (A) IN GENERAL.—Not later than 30 days  
6 after the date of the final hearing under sub-  
7 section (d) relating to a subcategory, the Com-  
8 mission shall provide the Director of the Na-  
9 tional Institute of Justice with recommenda-  
10 tions on qualifying considerations relating to  
11 that subcategory for selecting grant recipients  
12 under section 2285.

13           (B) DEADLINE.—Not later than 13  
14 months after the date on which all members of  
15 the Commission have been appointed, the Com-  
16 mission shall provide all recommendations re-  
17 quired under this subsection.

18           (2) MATTERS INCLUDED.—The recommenda-  
19 tions provided under paragraph (1) shall include rec-  
20 ommendations relating to—

21               (A) the types of strategies for the applica-  
22 ble subcategory that would best benefit from  
23 additional research and development;

24               (B) any geographic or demographic tar-  
25 gets;

1 (C) the types of partnerships with other  
 2 public or private entities that might be perti-  
 3 nent and prioritized; and

4 (D) any classes of crime and delinquency  
 5 prevention and intervention strategies that  
 6 should not be given priority because of a pre-  
 7 existing base of knowledge that would benefit  
 8 less from additional research and development.

9 (g) FINAL REPORT ON THE RESULTS OF THE INNO-  
 10 VATIVE CRIME PREVENTION AND INTERVENTION STRAT-  
 11 EGY GRANTS.—

12 (1) IN GENERAL.—Following the close of the 3-  
 13 year implementation period for each grant recipient  
 14 under section 2285, the Commission shall collect the  
 15 results of the study of the effectiveness of that grant  
 16 under section 2285(b)(3) and shall submit a public  
 17 report to the President, the Attorney General, Con-  
 18 gress, the chief executive of each State, and the at-  
 19 torney general of each State describing each strategy  
 20 funded under section 2285 and its results. This re-  
 21 port shall be submitted not later than 5 years after  
 22 the date of the selection of the chairperson of the  
 23 Commission.

24 (2) COLLECTION OF INFORMATION AND EVI-  
 25 DENCE REGARDING GRANT RECIPIENTS.—The Com-

1 mission's collection of information and evidence re-  
2 garding each grant recipient under section 2285  
3 shall be carried out by—

4 (A) ongoing communications with the  
5 grant administrator at the National Institute of  
6 Justice;

7 (B) visits by representatives of the Com-  
8 mission (including at least 1 member of the  
9 Commission) to the site where the grant recipi-  
10 ent is carrying out the strategy with a grant  
11 under section 2285, at least once in the second  
12 and once in the third year of that grant;

13 (C) a review of the data generated by the  
14 study monitoring the effectiveness of the strat-  
15 egy; and

16 (D) other means as necessary.

17 (3) MATTERS INCLUDED.—The report sub-  
18 mitted under paragraph (1) shall include a review of  
19 each strategy carried out with a grant under section  
20 2285, detailing—

21 (A) the type of crime or delinquency pre-  
22 vention or intervention strategy;

23 (B) where the activities under the strategy  
24 were carried out, including geographic and de-  
25 mographic targets;

1 (C) any partnerships with public or private  
2 entities through the course of the grant period;

3 (D) the type and design of the effective-  
4 ness study conducted under section 2285(b)(3)  
5 for that strategy;

6 (E) the results of the effectiveness study  
7 conducted under section 2285(b)(3) for that  
8 strategy;

9 (F) lessons learned regarding implementa-  
10 tion of that strategy or of the effectiveness  
11 study conducted under section 2285(b)(3), in-  
12 cluding recommendations regarding which types  
13 of environments might best be suited for suc-  
14 cessful replication; and

15 (G) recommendations regarding the need  
16 for further research and development of the  
17 strategy.

18 (h) PERSONNEL MATTERS.—

19 (1) TRAVEL EXPENSES.—The members of the  
20 Commission shall be allowed travel expenses, includ-  
21 ing per diem in lieu of subsistence, at rates author-  
22 ized for employees of agencies under subchapter I of  
23 chapter 57 of title 5, United States Code, while  
24 away from their homes or regular places of business  
25 in the performance of service for the Commission.

1           (2) COMPENSATION OF MEMBERS.—Members of  
2     the Commission shall serve without compensation.

3           (3) STAFF.—

4           (A) IN GENERAL.—The chairperson of the  
5     Commission may, without regard to the civil  
6     service laws and regulations, appoint and termi-  
7     nate an executive director and such other addi-  
8     tional personnel as may be necessary to enable  
9     the Commission to perform its duties. The em-  
10    ployment of an executive director shall be sub-  
11    ject to confirmation by the Commission.

12          (B) COMPENSATION.—The chairperson of  
13    the Commission may fix the compensation of  
14    the executive director and other personnel with-  
15    out regard to the provisions of chapter 51 and  
16    subchapter III of chapter 53 of title 5, United  
17    States Code, relating to classification of posi-  
18    tions and General Schedule pay rates, except  
19    that the rate of pay for the executive director  
20    and other personnel may not exceed the rate  
21    payable for level V of the Executive Schedule  
22    under section 5316 of such title.

23          (4) DETAIL OF FEDERAL EMPLOYEES.—With  
24    the affirmative vote of  $\frac{2}{3}$  of the members of the  
25    Commission, any Federal Government employee,

1 with the approval of the head of the appropriate  
2 Federal agency, may be detailed to the Commission  
3 without reimbursement, and such detail shall be  
4 without interruption or loss of civil service status,  
5 benefits, or privileges.

6 (i) CONTRACTS FOR RESEARCH.—

7 (1) NATIONAL INSTITUTE OF JUSTICE.—With a  
8  $\frac{2}{3}$  affirmative vote of the members of the Commis-  
9 sion, the Commission may select nongovernmental  
10 researchers and experts to assist the Commission in  
11 carrying out its duties under this title. The National  
12 Institute of Justice shall contract with the research-  
13 ers and experts selected by the Commission to pro-  
14 vide funding in exchange for their services.

15 (2) OTHER ORGANIZATIONS.—Nothing in this  
16 subsection shall be construed to limit the ability of  
17 the Commission to enter into contracts with other  
18 entities or organizations for research necessary to  
19 carry out the duties of the Commission under this  
20 section.

21 (j) AUTHORIZATION OF APPROPRIATIONS.—There  
22 are authorized to be appropriated \$5,000,000 to carry out  
23 this section.

24 (k) TERMINATION.—The Commission shall terminate  
25 on the date that is 30 days after the date on which the

1 Commission submits the last report required by this sec-  
2 tion.

3 (l) EXEMPTION.—The Commission shall be exempt  
4 from the Federal Advisory Committee Act.

5 **SEC. 2285. INNOVATIVE CRIME PREVENTION AND INTER-**  
6 **VENTION STRATEGY GRANTS.**

7 (a) GRANTS AUTHORIZED.—The Director of the Na-  
8 tional Institute of Justice may make grants to public and  
9 private entities to fund the implementation and evaluation  
10 of innovative crime or delinquency prevention or interven-  
11 tion strategies. The purpose of grants under this section  
12 shall be to provide funds for all expenses related to the  
13 implementation of such a strategy and to conduct a rig-  
14 orous study on the effectiveness of that strategy.

15 (b) GRANT DISTRIBUTION.—

16 (1) PERIOD.—A grant under this section shall  
17 be made for a period of not more than 3 years.

18 (2) AMOUNT.—The amount of each grant under  
19 this section—

20 (A) shall be sufficient to ensure that rig-  
21 orous evaluations may be performed; and

22 (B) shall not exceed \$2,000,000.

23 (3) EVALUATION SET-ASIDE.—

24 (A) IN GENERAL.—A grantee shall use not  
25 less than \$300,000 and not more than

1           \$700,000 of the funds from a grant under this  
2           section for a rigorous study of the effectiveness  
3           of the strategy during the 3-year period of the  
4           grant for that strategy.

5           (B) METHODOLOGY OF STUDY.—

6           (i) IN GENERAL.—Each study con-  
7           ducted under subparagraph (A) shall use  
8           an evaluator and a study design approved  
9           by the employee of the National Institute  
10          of Justice hired or assigned under sub-  
11          section (c).

12          (ii) CRITERIA.—The employee of the  
13          National Institute of Justice hired or as-  
14          signed under subsection (c) shall ap-  
15          prove—

16               (I) an evaluator that has success-  
17               fully carried out multiple studies pro-  
18               ducing rigorous evidence of effective-  
19               ness; and

20               (II) a proposed study design that  
21               is likely to produce rigorous evidence  
22               of the effectiveness of the strategy.

23          (iii) APPROVAL.—Before a grant is  
24          awarded under this section, the evaluator  
25          and study design of a grantee shall be ap-



1           proved by the employee of the National In-  
2           stitute of Justice hired or assigned under  
3           subsection (c).

4           (4) DATE OF AWARD.—Not later than 6 months  
5           after the date of receiving recommendations relating  
6           to a subcategory from the Commission under section  
7           2284(f), the Director of the National Institute of  
8           Justice shall award all grants under this section re-  
9           lating to that subcategory.

10          (5) TYPE OF GRANTS.—One-third of the grants  
11          made under this section shall be made in each sub-  
12          category. In distributing grants, the recommenda-  
13          tions of the Commission under section 2284(f) shall  
14          be considered.

15          (6) AUTHORIZATION OF APPROPRIATIONS.—  
16          There are authorized to be appropriated  
17          \$18,000,000 to carry out this subsection.

18          (c) DEDICATED STAFF.—

19               (1) IN GENERAL.—The Director of the National  
20               Institute of Justice shall hire or assign a full-time  
21               employee to oversee the grants under this section.

22               (2) STUDY OVERSIGHT.—The employee of the  
23               National Institute of Justice hired or assigned under  
24               paragraph (1) shall be responsible for ensuring that

1 grantees adhere to the study design approved before  
2 the applicable grant was awarded.

3 (3) LIAISON.—The employee of the National  
4 Institute of Justice hired or assigned under para-  
5 graph (1) may be used as a liaison between the  
6 Commission and the recipients of a grant under this  
7 section. That employee shall be responsible for en-  
8 suring timely cooperation with Commission requests.

9 (4) AUTHORIZATION OF APPROPRIATIONS.—  
10 There are authorized to be appropriated \$150,000  
11 for each of fiscal years 2008 through 2012 to carry  
12 out this subsection.

13 (d) APPLICATIONS.—A public or private entity desir-  
14 ing a grant under this section shall submit an application  
15 at such time, in such manner, and accompanied by such  
16 information as the Director of the National Institute of  
17 Justice may reasonably require.

18 (e) COOPERATION WITH THE COMMISSION.—Grant  
19 recipients shall cooperate with the Commission in pro-  
20 viding them with full information on the progress of the  
21 strategy being carried out with a grant under this section,  
22 including—

23 (1) hosting visits by the members of the Com-  
24 mission to the site where the activities under the  
25 strategy are being carried out;

(2) providing pertinent information on the logistics of establishing the strategy for which the grant under this section was received, including details on partnerships, selection of participants, and any efforts to publicize the strategy; and

(3) responding to any specific inquiries that may be made by the Commission.

## **Subtitle C—School Safety and Student Protection Act of 2007**

### **SEC. 2301. SHORT TITLE.**

This subtitle may be cited as the “School Safety and Student Protection Act of 2007”.

### **SEC. 2302. BULLYING PREVENTION POLICIES, PROGRAMS, AND STATISTICS.**

(a) STATE APPLICATION.—Section 4113(a) of such Act (20 U.S.C. 7113(a)) is amended—

(1) in paragraph (9)—

(A) in subparagraph (C), by striking “and” at the end;

(B) by redesignating subparagraph (D) as subparagraph (F); and

(C) by inserting after subparagraph (C) (as amended by subparagraph (A)) the following:

1           “(D) the incidence and prevalence of re-  
2           ported incidents of bullying;

3           “(E) the perception of students regarding  
4           their school environment, including with respect  
5           to the prevalence and seriousness of incidents of  
6           bullying and the responsiveness of the school to  
7           those incidents; and”.

8           (2) in paragraph (18), by striking “and” at the  
9           end;

10          (3) by redesignating paragraph (19) as para-  
11          graph (20);

12          (4) by inserting after paragraph (18) (as  
13          amended by paragraph (2)) the following:

14               “(19) provides an assurance that the State edu-  
15               cational agency will provide assistance to local edu-  
16               cational agencies and schools in their efforts to pre-  
17               vent and appropriately respond to incidents of bul-  
18               lying, and describes how the State educational agen-  
19               cy will meet the requirements of this paragraph;  
20               and”.

21          (b) LOCAL EDUCATIONAL AGENCY PROGRAM APPLI-  
22          CATION.—Section 4114(d) of such Act (20 U.S.C.  
23          7114(d)) is amended—

24               (1) in paragraph (2)(B)(i)—

1 (A) in the matter preceding subclause (I),  
 2 by striking the semicolon and inserting a  
 3 comma;

4 (B) in subclause (I), by striking “and” at  
 5 the end; and

6 (C) by adding at the end the following:

7 “(III) performance indicators for  
 8 bullying prevention programs and ac-  
 9 tivities; and”; and

10 (2) in paragraph (7)—

11 (A) in subparagraph (A), by inserting “,  
 12 including bullying” after “disorderly conduct”;

13 (B) in subparagraph (D), by striking  
 14 “and” at the end; and

15 (C) by adding at the end the following:

16 “(F) annual notice to parents and students  
 17 describing the full range of prohibited conduct  
 18 contained in the discipline policies described in  
 19 subparagraph (A); and

20 “(G) complaint procedures for students or  
 21 parents who seek to register complaints regard-  
 22 ing conduct prohibited by the discipline policies  
 23 described in subparagraph (A), including—

24 “(i) the name of the school or local  
 25 educational agency officials who are des-

1                   ignated with the responsibility for receiving  
2                   such complaints; and

3                   “(ii) timelines that the school or local  
4                   educational agency will follow to resolve  
5                   such complaints;”.

6           (c) AUTHORIZED ACTIVITIES.—Section 4115(b)(2) of  
7 such Act (20 U.S.C. 7115(b)(2)) is amended—

8                   (1) in subparagraph (A)—

9                   (A) in clause (vi), by striking “and” at the  
10                  end;

11                  (B) in clause (vii), by striking the period  
12                  at the end and inserting “; and”; and

13                  (C) by adding at the end the following:

14                   “(viii) teach students about the con-  
15                   sequences of bullying.”; and

16                  (2) in subparagraph (E), by adding at the end  
17                  the following:

18                   “(xxiii) Programs that address the  
19                   causes of bullying and that train teachers,  
20                   administrators, and counselors regarding  
21                   strategies to prevent bullying and to effec-  
22                   tively intervene when bullying incidents  
23                   occur.”.

24           (d) DEFINITIONS.—

1           (1) DRUG VIOLENCE AND PREVENTION.—Para-  
 2           graph (3)(B) of section 4151 of such Act (20 U.S.C.  
 3           7161) is amended by inserting “bullying,” after  
 4           “sexual harassment and abuse,”.

5           (2) PROTECTIVE FACTOR, BUFFER, OR  
 6           ASSET.—Paragraph (6) of section 4151 of such Act  
 7           is amended by inserting “, including bullying,” after  
 8           “violent behavior”.

9           (3) RISK FACTOR.—Paragraph (7) of section  
 10          4151 of such Act is amended by inserting “, includ-  
 11          ing bullying,” after “violent behavior”.

12          (4) BULLYING AND VIOLENCE.—Section 4151  
 13          of such Act is further amended—

14                (A) by redesignating paragraphs (1)  
 15                through (11) (as amended by paragraphs (1)  
 16                through (3)) as paragraphs (2) through (12);

17                (B) by inserting before paragraph (2) (as  
 18                redesignated by subparagraph (A)) the fol-  
 19                lowing:

20                “(1) BULLYING.—The term ‘bullying’ means  
 21                any intentional written, electronic, verbal, or phys-  
 22                ical act or actions against another student that a  
 23                reasonable person under the circumstances knows  
 24                will have the effect of—

1           “(A) placing a student in reasonable fear  
2           of substantial harm to the student’s emotional  
3           or physical well-being or substantial damage to  
4           the student’s property;

5           “(B) creating a hostile, threatening,  
6           humiliating, or abusive educational environment  
7           due to the pervasiveness or persistence of ac-  
8           tions or due to a power differential between the  
9           bully and the target;

10          “(C) interfering with a student having a  
11          safe school environment that is necessary to fa-  
12          cilitate educational performance, opportunities,  
13          or benefits; or

14          “(D) perpetuating such conduct by incit-  
15          ing, soliciting, or coercing an individual or  
16          group to demean, dehumanize, embarrass, or  
17          cause emotional, psychological, or physical harm  
18          to another person.”; and

19          (C) by adding at the end the following:

20          “(13) VIOLENCE.—The term ‘violence’ includes  
21          bullying.”.

22          (e) EFFECT ON OTHER LAWS.—

23          (1) AMENDMENT.—The Safe and Drug-Free  
24          Schools and Communities Act (20 U.S.C. 7101 et  
25          seq.) is amended by adding at the end the following:



1 **“SEC. 4156. EFFECT ON OTHER LAWS.**

2       “(a) FEDERAL AND STATE NONDISCRIMINATION  
3 LAWS.—Nothing in this part shall be construed to alter  
4 legal standards regarding, or limit rights available to vic-  
5 tims of, bullying under other Federal or State laws, in-  
6 cluding title VI of the Civil Rights Act of 1964 (42 U.S.C.  
7 2000d et seq.), title IX of the Education Amendments of  
8 1972 (20 U.S.C. 1681 et seq.), section 504 of the Reha-  
9 bilitation Act of 1973 (29 U.S.C. 794), or the Americans  
10 with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).

11       “(b) FREE SPEECH AND EXPRESSION LAWS.—Noth-  
12 ing in this part shall be construed to alter legal standards  
13 regarding, or affect the rights available to individuals  
14 under, other Federal laws that establish protections for  
15 freedom of speech and expression.”.

16               (2) CLERICAL AMENDMENT.—The table of con-  
17 tents of the Elementary and Secondary Education  
18 Act of 1965 (20 U.S.C. 6301 et seq.) is amended by  
19 adding after the item relating to section 4155 the  
20 following:

“Sec. 4156. Effect on other laws.”.

21 **Subtitle D—Civic Justice Corps**  
22 **Demonstration Act of 2007**

23 **SEC. 2401. SHORT TITLE.**

24       This subtitle may be cited as the “Civic Justice Corps  
25 Demonstration Act of 2007”.

1 **SEC. 2402. PURPOSE.**

2       The purpose of this subtitle is to provide competitive  
3 grants for community service programs modeled after the  
4 Civic Justice Corps programs for 16 through 25 year-olds  
5 who are court-involved, were previously incarcerated, or  
6 who are otherwise economically or educationally disadvan-  
7 taged.

8 **SEC. 2403. DEFINITIONS.**

9       In this subtitle, the term “eligible entity” means a  
10 nonprofit organization or a unit of local government.

11 **SEC. 2404. GRANTS AUTHORIZED.**

12       The Attorney General is authorized to make grants  
13 under this subtitle to establish and support community  
14 service programs in accordance with the purpose of the  
15 subtitle for a period of 5 years.

16 **SEC. 2405. APPLICATION PROCESS.**

17       (a) IN GENERAL.—An eligible entity shall submit an  
18 application to the Attorney General, who shall strive to  
19 achieve geographic balance in the allocation of funds.

20       (b) CRITERIA.—The Attorney General shall specify  
21 the information to be contained in the application, but suc-  
22 cessful applicants shall demonstrate the ability to meet the  
23 following criteria:

24               (1) Implement a process to recruit and enroll  
25       16 through 25 year-old court-involved, previously in-

1       carcerated, or otherwise economically or education-  
2       ally disadvantaged young people.

3           (2) Provide intensive support services to meet  
4       work and non-work related needs of court-involved  
5       participants, including reentry and aftercare issues.

6           (3) Engage participants in a diploma-granting  
7       or credential-providing education program.

8           (4) Engage court-involved youth in team-based  
9       community service projects.

10          (5) Provide participants the opportunity to se-  
11       cure additional training and education.

12          (6) Develop appropriate post-program place-  
13       ment and support services focused on employment  
14       preparation and education/training specifically lead-  
15       ing to employment in high-growth industries.

16          (7) Collect data on a regular basis and use a  
17       data-based management decision-making process  
18       driven by results.

19          (8) Develop a sustainability plan.

20       (c) ADDITIONAL REQUIREMENTS.—The application  
21       shall include evidence that the applicant has—

22           (1) a clearly identified local need;

23           (2) established relationships with justice agen-  
24       cies, employers, support services providers, education

1 entities, and the workforce development system, and  
2 ability to form relationships with these entities;

3 (3) established education programming with a  
4 preference for granting high school diplomas (or ac-  
5 cess to GED preparation and/or credentialed pro-  
6 grams for those not able to obtain diplomas);

7 (4) established a career preparation and life  
8 and work skill development program, including the  
9 ability to create pathways from service in the Civic  
10 Justice Corps program to enrollment in college/com-  
11 munity college to enrollment in a pre-apprenticeship  
12 or apprenticeship or job;

13 (5) an ability to provide effective services and  
14 support for alternative sentencing programs utilizing  
15 appropriate balanced and restorative justice prin-  
16 ciples;

17 (6) an ability to engage in staff development de-  
18 signed to focus on the special needs of court-in-  
19 volved, previously incarcerated and disadvantaged  
20 young people (including sobriety, housing, transpor-  
21 tation, lack of work experience) and providing the  
22 intensive services necessary to accommodate a suc-  
23 cessful transition to the Civil Justice Corps pro-  
24 gram;

1           (7) an ability to provide high quality service  
2       projects that meet unmet community needs, includ-  
3       ing projects supporting energy conservation, environ-  
4       mental restoration, renovation of substandard hous-  
5       ing, disaster prevention, relief and recovery, edu-  
6       cation, human services, and health care; and

7           (8) developed a sustainability plan.

8   **SEC. 2406. REPORTS AND EVALUATION.**

9       (a) **REPORT.**—An eligible entity receiving a grant  
10   awarded under this subtitle shall submit a report annually  
11   to the Attorney General at such time, in such manner,  
12   and providing such information as the Attorney General  
13   may require.

14      (b) **EVALUATION.**—The Attorney General shall pro-  
15   vide for an external study and evaluation of the grants  
16   awarded under this subtitle that shall—

17           (1) include an analysis and documentation of  
18       the strategies implemented and the key lessons  
19       learned related to program design, systems coordina-  
20       tion, and implementation;

21           (2) measure the outcomes, and progress toward  
22       the outcomes, of the strategies implemented in terms  
23       of enrollment, educational achievement, participation  
24       rates, recidivism, post-program retention, employ-  
25       ment and entering post-secondary education;

- 1           (3) document the incremental progress of young  
2       people over time on the measures above; and  
3           (4) begin at the initiation of the grants to the  
4       eligible entities.

5   **SEC. 2407. BEST PRACTICES.**

6       (a) IN GENERAL.—The Attorney General shall—

7           (1) provide technical assistance to grantees  
8       under this subtitle that request assistance; and

9           (2) disseminate best practices that emerge from  
10      demonstration projects conducted under this sub-  
11      title.

12      (b) PROVIDERS.—Training and technical assistance  
13      providers under this section shall be national organizations  
14      with a proven track record of working with the Civic Jus-  
15      tice Corps model and young people from disadvantaged  
16      backgrounds.

17   **SEC. 2408. AUTHORIZATION OF APPROPRIATIONS.**

18      (a) IN GENERAL.—There are authorized to be appro-  
19      priated to carry out this subtitle \$20,000,000 for fiscal  
20      year 2008, and such sums as necessary thereafter.

21      (b) ALLOCATION.—Of the amounts appropriated to  
22      carry out this subtitle for each fiscal year—

23           (1) 90 percent shall be for grants to eligible en-  
24      tities;

- 1           (2) 5 percent shall be for technical assistance  
 2           and dissemination of best practices; and  
 3           (3) 5 percent shall be for evaluation.

4   **Subtitle E—National Domestic Vio-**  
 5       **lence Volunteer Attorney Net-**  
 6       **work Act**

7   **SEC. 2501. SHORT TITLE.**

8           This subtitle may be cited as the “National Domestic  
 9   Violence Volunteer Attorney Network Act”.

10   **SEC. 2502. DEFINITIONS.**

11           In this subtitle, the terms “dating partner”, “dating  
 12   violence”, “domestic violence”, “legal assistance”, “lin-  
 13   guistically and culturally specific services”, “stalking”,  
 14   and “State domestic violence coalitions” shall have the  
 15   same meaning given such terms in section 3 of the Vio-  
 16   lence Against Women and Department of Justice Reau-  
 17   thorization Act of 2005 (Public Law 109–162).

18   **SEC. 2503. NATIONAL DOMESTIC VIOLENCE VOLUNTEER**  
 19       **ATTORNEY NETWORK.**

20           Section 1201 of the Violence Against Women Act of  
 21   2000 (42 U.S.C. 3796gg–6) is amended by adding at the  
 22   end the following:

23           “(g) NATIONAL DOMESTIC VIOLENCE VOLUNTEER  
 24   ATTORNEY NETWORK.—

25           “(1) IN GENERAL.—

1           “(A) GRANTS.—The Attorney General may  
2           award grants to the American Bar Association  
3           Commission on Domestic Violence to work in  
4           collaboration with the American Bar Associa-  
5           tion Committee on Pro Bono and Public Service  
6           and other organizations to create, recruit law-  
7           yers for, and provide training, mentoring, and  
8           technical assistance for a National Domestic Vi-  
9           olence Volunteer Attorney Network.

10           “(B) USE OF FUNDS.—Funds allocated to  
11           the American Bar Association’s Commission on  
12           Domestic Violence under this subsection shall  
13           be used to—

14                   “(i) create and maintain a network to  
15                   field and manage inquiries from volunteer  
16                   lawyers seeking to represent and assist vic-  
17                   tims of domestic violence;

18                   “(ii) solicit lawyers to serve as volun-  
19                   teer lawyers in the network;

20                   “(iii) retain dedicated staff to support  
21                   volunteer attorneys by—

22                           “(I) providing field technical as-  
23                           sistance inquiries;

24                           “(II) providing on-going men-  
25                           toring and support;



1 “(III) collaborating with national  
2 domestic violence legal technical as-  
3 sistance providers and statewide legal  
4 coordinators and local legal services  
5 programs; and

6 “(IV) developing legal education  
7 and other training materials; and

8 “(iv) maintain a point of contact with  
9 the statewide legal coordinator in each  
10 State regarding coordination of training,  
11 mentoring, and supporting volunteer attor-  
12 neys representing victims of domestic vio-  
13 lence.

14 “(2) AUTHORIZATION.—There are authorized to  
15 be appropriated to carry out this subsection  
16 \$2,000,000 for each of the fiscal years 2008 and  
17 2009 and \$3,000,000 for each of the fiscal years  
18 2010 through 2013.

19 “(3) ELIGIBILITY FOR OTHER GRANTS.—A re-  
20 ceipt of an award under this subsection by the Com-  
21 mission on Domestic Violence of the American Bar  
22 Association shall not preclude the Commission from  
23 receiving additional grants under the Office on Vio-  
24 lence Against Women’s Technical Assistance Pro-  
25 gram to carry out the purposes of that program.

1 “(4) OTHER CONDITIONS.—

2 “(A) PROHIBITION ON TORT LITIGA-  
3 TION.—Funds appropriated for the grant pro-  
4 gram under this subsection may not be used to  
5 fund civil representation in a lawsuit based on  
6 a tort claim. This subparagraph shall not be  
7 construed as a prohibition on providing assist-  
8 ance to obtain restitution.

9 “(B) PROHIBITION ON LOBBYING.—Any  
10 funds appropriated under this subsection shall  
11 be subject to the prohibitions in section 1913 of  
12 title 18, United States Code, relating to lob-  
13 bying with appropriated moneys.”.

14 **SEC. 2504. DOMESTIC VIOLENCE VOLUNTEER ATTORNEY**  
15 **REFERRAL PROGRAM.**

16 (a) PILOT PROGRAM.—

17 (1) IN GENERAL.—For fiscal years 2008 and  
18 2009, the Office on Violence Against Women of the  
19 Department of Justice, in consultation with the Do-  
20 mestic Violence Legal Advisory Task Force, shall  
21 designate 5 States in which to implement the pilot  
22 program of the National Domestic Violence Volun-  
23 teer Attorney Referral Project and distribute funds  
24 under this subsection.

1           (2) CRITERIA.—Criteria for selecting the States  
2           for the pilot program under this subsection shall in-  
3           clude—

4                   (A) equitable distribution between urban  
5                   and rural areas, equitable geographical distribu-  
6                   tion;

7                   (B) States that have a demonstrated ca-  
8                   pacity to coordinate among local and statewide  
9                   domestic violence organizations;

10                  (C) organizations serving immigrant  
11                  women; and

12                  (D) volunteer legal services offices  
13                  throughout the State.

14           (3) PURPOSE.—The purpose of the pilot pro-  
15           gram under this subsection is to—

16                   (A) provide for a coordinated system of en-  
17                   suring that domestic violence victims through-  
18                   out the pilot States have access to safe, cul-  
19                   turally, and linguistically appropriate represen-  
20                   tation in all legal matters arising as a con-  
21                   sequence of the abuse or violence; and

22                   (B) support statewide legal coordinators in  
23                   each State to manage referrals for victims to  
24                   attorneys and to train attorneys on related do-  
25                   mestic violence issues.

1           (4) ROLE OF STATEWIDE LEGAL COORDI-  
2       NATOR.—A statewide legal coordinator under this  
3       subsection shall—

4           (A) be employed by the statewide domestic  
5       violence coalition, unless the statewide domestic  
6       violence coalition determines that the needs of  
7       victims throughout the State would be best  
8       served if the coordinator was employed by an-  
9       other statewide organization;

10          (B) develop and maintain an updated data-  
11       base of attorneys throughout the State, includ-  
12       ing—

13               (i) legal services programs;

14               (ii) volunteer programs;

15               (iii) organizations serving immigrant  
16       women;

17               (iv) law school clinical programs;

18               (v) bar associations;

19               (vi) attorneys in the National Domes-  
20       tic Violence Volunteer Attorney Network;  
21       and

22               (vii) local domestic violence programs;

23          (C) consult and coordinate with existing  
24       statewide and local programs including volun-

1       teer representation projects or statewide legal  
2       services programs;

3               (D) provide referrals to victims who are  
4       seeking legal representation in matters arising  
5       as a consequence of the abuse or violence;

6               (E) participate in biannual meetings with  
7       other Pilot Program grantees, American Bar  
8       Association Commission on Domestic Violence,  
9       American Bar Association Committee on Pro  
10      Bono and Public Service, and national domestic  
11      violence legal technical assistance providers;

12              (F) receive referrals of victims seeking  
13      legal representation from the National Domes-  
14      tic Violence Hotline and other sources;

15              (G) receive and disseminate information  
16      regarding volunteer attorneys and training and  
17      mentoring opportunities; and

18              (H) work with the Office on Violence  
19      Against Women, the American Bar Association  
20      Commission on Domestic Violence, and the Na-  
21      tional Domestic Violence Legal Advisory Task  
22      Force to assess the effectiveness of the Pilot  
23      Program.

1           (5) ELIGIBILITY FOR GRANTS.—The Attorney  
2       General shall award grants to statewide legal coordi-  
3       nators under this subsection.

4           (6) AUTHORIZATION OF APPROPRIATIONS.—  
5       There are authorized to be appropriated \$750,000  
6       for each of fiscal years 2008 and 2009 to fund the  
7       statewide coordinator positions and other costs asso-  
8       ciated with the position in the 5 pilot program  
9       States under this subsection.

10          (7) EVALUATION AND REPORTING.—An entity  
11       receiving a grant under this subsection shall submit  
12       to the Department of Justice a report detailing the  
13       activities taken with the grant funds, including such  
14       additional information as the agency shall require.

15       (b) NATIONAL PROGRAM.—

16          (1) PURPOSE.—The purpose of the national  
17       program under this subsection is to—

18               (A) provide for a coordinated system of en-  
19               suring that domestic violence victims through-  
20               out the country have access to safe, culturally  
21               and linguistically appropriate representation in  
22               legal matters arising as a consequence of the  
23               abuse or violence; and

24               (B) support statewide legal coordinators in  
25               each State to coordinate referrals to domestic

1 violence attorneys and to train attorneys on re-  
2 lated domestic violence issues, including immi-  
3 gration matters.

4 (2) GRANTS.—The Attorney General shall  
5 award grants to States for the purposes set forth in  
6 subsection (a) and to support designated statewide  
7 legal coordinators under this subsection.

8 (3) ROLE OF THE STATEWIDE LEGAL COORDI-  
9 NATOR.—The statewide legal coordinator under this  
10 subsection shall be subject to the requirements and  
11 responsibilities provided in subsection (a)(4).

12 (4) GUIDELINES.—The Office on Violence  
13 Against Women, in consultation with the Domestic  
14 Violence Legal Advisory Task Force and the results  
15 detailed in the Study of Legal Representation of Do-  
16 mestic Violence Victims, shall develop guidelines for  
17 the implementation of the national program under  
18 this section, based on the effectiveness of the Pilot  
19 Program in improving victims' access to culturally  
20 and linguistically appropriate legal representation in  
21 the pilot States.

22 (5) AUTHORIZATION OF APPROPRIATIONS.—  
23 There are authorized to be appropriated \$8,000,000  
24 for each of fiscal years 2010 through 2013 to fund

1 the statewide coordinator position in every State and  
 2 other costs associated with the position.

3 (6) EVALUATION AND REPORTING.—An entity  
 4 receiving a grant under this subsection shall submit  
 5 to the Department of Justice a report detailing the  
 6 activities taken with the grant funds, including such  
 7 additional information as the agency shall require.

8 **SEC. 2505. TECHNICAL ASSISTANCE FOR THE NATIONAL**  
 9 **DOMESTIC VIOLENCE VOLUNTEER ATTOR-**  
 10 **NEY NETWORK.**

11 (a) PURPOSES.—The purpose of this section is to  
 12 allow—

13 (1) national domestic violence legal technical as-  
 14 sistance providers to expand their services to provide  
 15 training and ongoing technical assistance to volun-  
 16 teer attorneys in the National Domestic Violence  
 17 Volunteer Attorney Network; and

18 (2) providers of domestic violence law to receive  
 19 additional funding to train and assist attorneys in  
 20 the areas of—

21 (A) custody and child support;

22 (B) employment;

23 (C) housing;



1 (D) immigrant victims' legal needs (includ-  
2 ing immigration, protection order, family and  
3 public benefits issues); and

4 (E) interstate custody and relocation law.

5 (b) GRANTS.—The Attorney General shall award  
6 grants to national domestic violence legal technical assist-  
7 ance providers to expand their services to provide training  
8 and ongoing technical assistance to volunteer attorneys in  
9 the National Domestic Violence Volunteer Attorney Net-  
10 work, statewide legal coordinators, the National Domestic  
11 Violence Hotline and Internet-based legal referral organi-  
12 zations described in section 1201(i)(1) of the Violence  
13 Against Women Act of 2000, as added by section 6.

14 (c) ELIGIBILITY FOR OTHER GRANTS.—A receipt of  
15 an award under this section shall not preclude the national  
16 domestic violence legal technical assistance providers from  
17 receiving additional grants under the Office on Violence  
18 Against Women's Technical Assistance Program to carry  
19 out the purposes of that program.

20 (d) ELIGIBLE ENTITIES.—In this section, an eligible  
21 entity is a national domestic violence legal technical assist-  
22 ance provider that—

23 (1) has expertise on legal issues that arise in  
24 cases of victims of domestic violence, dating violence  
25 and stalking, including family, immigration, housing,

1 protection order, public benefits, custody, child sup-  
 2 port, interstate custody and relocation, employment  
 3 and other civil legal needs of victims; and

4 (2) has an established record of providing tech-  
 5 nical assistance and support to lawyers representing  
 6 victims of domestic violence.

7 (e) AUTHORIZATION OF APPROPRIATIONS.—There  
 8 are authorized to be appropriated to carry out this section  
 9 \$800,000 for national domestic violence legal technical as-  
 10 sistance providers for each fiscal year from 2008 through  
 11 2013.

12 **SEC. 2506. NATIONAL DOMESTIC VIOLENCE HOTLINE**  
 13 **LEGAL REFERRALS.**

14 Section 1201 of the Violence Against Women Act of  
 15 2000 (42 U.S.C. 3796gg–6) is amended by adding at the  
 16 end the following:

17 “(h) LEGAL REFERRALS BY THE NATIONAL DOMES-  
 18 TIC VIOLENCE HOTLINE.—

19 “(1) IN GENERAL.—The Attorney General may  
 20 award grants to the National Domestic Violence  
 21 Hotline (as authorized by section 316 of the Family  
 22 Violence Prevention and Services Act (42 U.S.C.  
 23 10416)) to provide information about statewide legal  
 24 coordinators and legal services.

1           “(2) USE OF FUNDS.—Funds allocated to the  
2       National Domestic Violence Hotline under this sub-  
3       section shall be used to—

4           “(A) update the Hotline’s technology and  
5       systems to reflect legal services and referrals to  
6       statewide legal coordinators;

7           “(B) collaborate with the American Bar  
8       Association Commission on Domestic Violence  
9       and the national domestic violence legal tech-  
10      nical assistance providers to train and provide  
11      appropriate assistance to the Hotline’s advo-  
12      cates on legal services; and

13          “(C) maintain a network of legal services  
14      and statewide legal coordinators and collaborate  
15      with the American Bar Association Commission  
16      on Domestic Violence.

17          “(3) AUTHORIZATION.—There are to be appro-  
18      priated to carry out this subsection \$500,000 for  
19      each of fiscal years 2008 through 2013.

20          “(i) LEGAL REFERRALS BY INTERNET-BASED SERV-  
21      ICES FOR DOMESTIC VIOLENCE VICTIMS.—

22          “(1) IN GENERAL.—The Attorney General may  
23      award grants to Internet-based non-profit organiza-  
24      tions with a demonstrated expertise on domestic vio-  
25      lence to provide State-specific information about

1 statewide legal coordinators and legal services  
2 through the Internet.

3 “(2) USE OF FUNDS.—Funds allocated to  
4 Internet-based organizations under this subsection  
5 shall be used to—

6 “(A) collaborate with the American Bar  
7 Association Commission on Domestic Violence  
8 and the national domestic violence legal tech-  
9 nical assistance providers to train and provide  
10 appropriate assistance to personnel on referring  
11 legal services; and

12 “(B) maintain a network of legal services  
13 and statewide legal coordinators, and collabo-  
14 rate with the American Bar Association Com-  
15 mission on Domestic Violence and the National  
16 Domestic Violence Hotline.

17 “(3) AUTHORIZATION.—There are to be appro-  
18 priated to carry out this subsection \$250,000 for  
19 each fiscal years of 2008 through 2013.”.

20 **SEC. 2507. STUDY OF LEGAL REPRESENTATION OF DOMES-**  
21 **TIC VIOLENCE VICTIMS.**

22 (a) IN GENERAL.—The Government Accountability  
23 Office shall study the scope and quality of legal represen-  
24 tation and advocacy for victims of domestic violence, dat-

1 ing violence, and stalking, including the provision of cul-  
2 turally and linguistically appropriate services.

3 (b) SCOPE OF STUDY.—The Government Account-  
4 ability Office shall specifically assess the representation  
5 and advocacy of—

6 (1) organizations providing direct legal services  
7 and other support to victims of domestic violence,  
8 dating violence, and stalking, including Legal Serv-  
9 ices Corporation grantees, non-Legal Services Cor-  
10 poration legal services organizations, domestic vio-  
11 lence programs receiving Legal Assistance for Vic-  
12 tims grants or other Violence Against Women Act  
13 funds to provide legal assistance, volunteer programs  
14 (including those operated by bar associations and  
15 law firms), law schools which operate domestic vio-  
16 lence, and family law clinical programs; and

17 (2) organizations providing support to direct  
18 legal services delivery programs and to their volun-  
19 teer attorneys, including State coalitions on domestic  
20 violence, National Legal Aid and Defender Associa-  
21 tion, the American Bar Association Commission on  
22 Domestic Violence, the American Bar Association  
23 Committee on Pro Bono and Public Service, State  
24 bar associations, judicial organizations, and national  
25 advocacy organizations (including the Legal Re-

1 source Center on Violence Against Women, and the  
2 National Center on Full Faith and Credit).

3 (c) ASSESSMENT.—The assessment shall, with re-  
4 spect to each entity under subsection (b), include—

5 (1) what kind of legal assistance is provided to  
6 victims of domestic violence, such as counseling or  
7 representation in court proceedings;

8 (2) number of lawyers on staff;

9 (3) how legal services are being administered in  
10 a culturally and linguistically appropriate manner,  
11 and the number of multilingual advocates;

12 (4) what type of cases are related to the abuse,  
13 such as protective orders, divorce, housing, and child  
14 custody matters, and immigration filings;

15 (5) what referral mechanisms are used to  
16 match a lawyer with a domestic violence victim;

17 (6) what, if any, collaborative partnerships are  
18 in place between the legal services program and do-  
19 mestic violence agencies;

20 (7) what existing technical assistance or train-  
21 ing on domestic violence and legal skills is provided  
22 to attorneys providing legal services to victims of do-  
23 mestic violence;

1           (8) what training or technical assistance for at-  
 2           torneys would improve the provision of legal services  
 3           to victims of domestic violence;

4           (9) how does the organization manage means-  
 5           testing or income requirements for clients;

6           (10) what, if any legal support is provided by  
 7           non-lawyer victim advocates; and

8           (11) whether they provide support to or sponsor  
 9           a pro bono legal program providing legal representa-  
 10          tion to victims of domestic violence.

11          (d) REPORT.—Not later than 1 year after the date  
 12          of enactment of this Act, the Government Accountability  
 13          Office shall submit to Congress a report on the findings  
 14          and recommendations of the study required by this sec-  
 15          tion.

16       **SEC. 2508. ESTABLISH A DOMESTIC VIOLENCE LEGAL ADVI-**  
 17                               **SORY TASK FORCE.**

18          (a) IN GENERAL.—The Attorney General shall estab-  
 19          lish the Domestic Violence Legal Advisory Task Force to  
 20          provide guidance for the implementation of the Study of  
 21          Legal Representation of Domestic Violence Victims, the  
 22          Pilot Program for the National Domestic Violence Volun-  
 23          teer Attorney Referral Project, and the National Program  
 24          for the National Domestic Violence Volunteer Attorney  
 25          Referral Project.

1 (b) COMPOSITION.—The Task Force established  
2 under this section shall be composed of experts in pro-  
3 viding legal assistance to domestic violence victims and de-  
4 veloping effective volunteer programs providing legal as-  
5 sistance to domestic violence victims, including judges with  
6 expertise on domestic violence, individuals with experience  
7 representing low-income domestic violence victims, and  
8 private bar members involved with volunteer legal services.

9 (c) RESPONSIBILITIES.—The Task Force shall pro-  
10 vide—

11 (1) ongoing advice to the American Bar Asso-  
12 ciation Commission on Domestic Violence, the Na-  
13 tional Domestic Violence Hotline, and the Statewide  
14 Coordinators regarding implementation of the Pilot  
15 Program and the National Program of the Domestic  
16 Violence Volunteer Attorney Referral Project;

17 (2) recommendations to the Office on Violence  
18 Against Women regarding the selection of the 5 sites  
19 for the Pilot Program; and

20 (3) attend regular meetings covered by Amer-  
21 ican Bar Association Commission on Domestic Vio-  
22 lence.

23 (d) REPORT.—The Task Force shall report to Con-  
24 gress every 2 years on its work under this section.



1 (e) AUTHORIZATION OF APPROPRIATIONS.—There  
 2 are authorized to be appropriated to carry out this section  
 3 \$100,000 for each of fiscal years 2008 through 2013.

4 **Subtitle F—Juvenile Delinquency**  
 5 **Court Improvement**

6 **SEC. 2601. JUVENILE DELINQUENCY COURT IMPROVEMENT**  
 7 **ACT.**

8 Title II of the Juvenile Justice and Delinquency Pre-  
 9 vention Act of 1974 (42 U.S.C. 5611 et seq.) is amended  
 10 by inserting after part F, as added by section 2143, the  
 11 following:

12 **“PART G—JUVENILE DELINQUENCY COURT**  
 13 **IMPROVEMENT ACT**

14 **“SEC. 281A. SHORT TITLE.**

15 “This part may be cited as the ‘Juvenile Delinquency  
 16 Court Improvement Act’.

17 **“SEC. 281B. GRANTS.**

18 “The Attorney General, through the Office of Juve-  
 19 nile Justice and Delinquency Prevention, may make  
 20 grants to assist State courts to—

21 “(1) assess current juvenile delinquency and  
 22 status offense practice in order to identify areas in  
 23 need of improvement; and

24 “(2) implement improvements deemed necessary  
 25 by the highest courts of the State courts as a result

1 of the assessments described in paragraph (1), in-  
2 cluding—

3 “(A) meeting the needs of juvenile offend-  
4 ers (including status offenders), while ensuring  
5 public safety; and

6 “(B) implementing a corrective action  
7 plan, as necessary, based on the assessments  
8 described in paragraph (1).

9 **“SEC. 281C. AUTHORIZED ACTIVITIES.**

10 “A grantee under this part may carry out activities  
11 that support State court efforts to assess and improve cur-  
12 rent juvenile delinquency practice, including—

13 “(1) providing training and technical assistance  
14 for members of the judiciary, public defenders, pros-  
15 ecutors, and juvenile justice professionals statewide  
16 in order to assess and improve practice;

17 “(2) developing data information systems to  
18 track movement of youth through the juvenile justice  
19 system, trends in case management, outcomes re-  
20 sulting from various sanctions and services provided;  
21 and

22 “(3) evaluating practice improvements imple-  
23 mented by State juvenile delinquency courts.

1 **“SEC. 281D. ELIGIBLE ENTITIES.**

2 “Eligible grantees under this part are the highest  
3 courts of the States.

4 **“SEC. 281E. AUTHORIZATION OF APPROPRIATIONS.**

5 “(a) IN GENERAL.—There is authorized to be appro-  
6 priated to carry out this part such sums as are necessary  
7 for each of fiscal years 2008 to 2011.

8 “(b) AVAILABILITY.—Funds appropriated under this  
9 section shall remain available until expended and may only  
10 be used for the specific programs and activities described  
11 in this part.”.

12 **SEC. 2602. THE JUVENILE DELINQUENCY JUDICIAL TRAIN-**  
13 **ING AND TECHNICAL ASSISTANCE ACT.**

14 Title II of the Juvenile Justice and Delinquency Pre-  
15 vention Act of 1974 (42 U.S.C. 5611 et seq.) is amended  
16 by inserting after part G, as added by section 2601, the  
17 following:

18 **“PART H—THE JUVENILE DELINQUENCY JUDI-**  
19 **CIAL TRAINING AND TECHNICAL ASSIST-**  
20 **ANCE ACT**

21 **“SEC. 282A. SHORT TITLE.**

22 “This part may be cited as the ‘Juvenile Delinquency  
23 Judicial Training and Technical Assistance Act’.

24 **“SEC. 282B. PURPOSE.**

25 “The purpose of this part is to enable the Attorney  
26 General, through the Office of Juvenile Justice and Delin-

1 quency Prevention, to make grants to improve juvenile de-  
2 linquency practice in State courts.

3 **“SEC. 282C. GRANTS.**

4 “The Attorney General, acting through the Office of  
5 Juvenile Justice and Delinquency Prevention, may make  
6 grants to States for—

7 “(1) providing training and technical assistance  
8 to judges hearing juvenile delinquency and status of-  
9 fense cases, in order to improve the knowledge and  
10 judicial decisionmaking of such judges;

11 “(2) providing training and technical assistance  
12 to public defenders and prosecutors who practice in  
13 the juvenile court system;

14 “(3) promoting, through training, the principles  
15 and guidelines outlined in Juvenile Delinquency  
16 Guidelines: Improving Court Practice in Juvenile  
17 Delinquency Cases (National Council of Juvenile  
18 and Family Court Judges), in order to improve out-  
19 comes for children and youth in the juvenile justice  
20 system;

21 “(4) enabling systems change in the juvenile  
22 court systems by supporting collaboration between  
23 courts and juvenile justice agencies;

24 “(5) establishing and maintaining model courts;

1           “(6) helping juvenile courts to develop data in-  
 2           formation systems to track movement of youth  
 3           through the juvenile justice system, and to track  
 4           trends in case management;

5           “(7) providing interdisciplinary education, pub-  
 6           lications, research, and mentoring to courts seeking  
 7           to improve court and system responses in juvenile  
 8           delinquency and status offense cases; and

9           “(8) developing other projects likely to improve  
 10          juvenile court and system responses in juvenile delin-  
 11          quency and status offense cases.

12   **“SEC. 282D. AUTHORIZATION OF APPROPRIATIONS.**

13          “(a) IN GENERAL.—There are authorized to be ap-  
 14          propriated to carry out this part \$4,000,000 for each of  
 15          fiscal years 2008 to 2011.

16          “(b) AVAILABILITY.—Amounts appropriated under  
 17          this section shall remain available until expended and may  
 18          only be used for the specific programs and activities de-  
 19          scribed in this part.”.

20   **SEC. 2603. THE JUVENILE AND FAMILY COURT TRAINING,**  
 21                   **TECHNICAL ASSISTANCE, AND DATA COLLEC-**  
 22                   **TION ACT.**

23          Title II of the Juvenile Justice and Delinquency Pre-  
 24          vention Act of 1974 (42 U.S.C. 5611 et seq.) is amended

1 by inserting after part H, as added by section 2602, the  
 2 following:

3 **“PART I—THE JUVENILE AND FAMILY COURT**  
 4 **TRAINING, TECHNICAL ASSISTANCE, AND**  
 5 **DATA COLLECTION ACT**

6 **“SEC. 283A. SHORT TITLE.**

7 “This part may be cited as the ‘Juvenile and Family  
 8 Court Training, Technical Assistance, and Data Collection  
 9 Act’.

10 **“SEC. 283B. PURPOSE.**

11 “The purpose of this part is to enable the Attorney  
 12 General, through the Office on Juvenile Justice and Delin-  
 13 quency Prevention, to award grants to improve juvenile  
 14 and family court responses.

15 **“SEC. 283C. GRANTS.**

16 “The Attorney General, acting through the Office on  
 17 Juvenile Justice and Delinquency Prevention, may make  
 18 grants to eligible organizations for—

19 “(1) training and technical assistance for  
 20 judges and court-related personnel to improve sys-  
 21 tem effectiveness and judicial decisionmaking in ju-  
 22 venile cases;

23 “(2) the archiving of juvenile court case  
 24 records, in order to provide empirical information to

1 support policy decisionmaking and to study the roots  
 2 of juvenile justice policies and practices;

3 “(3) the development of internet-based reposi-  
 4 tories of information about issues of interest to  
 5 judges, public defenders, prosecutors, and other  
 6 court-related personnel of State juvenile courts, in-  
 7 cluding descriptions of effective juvenile justice sys-  
 8 tems, summarizing juvenile justice trends, and devel-  
 9 oping educational and policy materials on effective  
 10 juvenile court practices;

11 “(4) training and technical assistance to judges  
 12 and court-related personnel on child abuse, neglect,  
 13 and permanency planning; and

14 “(5) other projects likely to improve juvenile  
 15 court responses and systems.

16 **“SEC. 283D. DEFINITION.**

17 “In this section, the term ‘eligible organization’  
 18 means a national private, nonprofit organization with—

19 “(1) demonstrated expertise in developing and  
 20 providing judicial education about juvenile justice  
 21 systems and practice and permanency planning;

22 “(2) demonstrated capacity to provide edu-  
 23 cation and outreach to juvenile court judges and  
 24 court-related personnel through membership services  
 25 and leadership in developing model standards; and

1           “(3) a board or membership composed pri-  
2           marily of judges.

3   **“SEC. 283E. AUTHORIZATION OF APPROPRIATIONS.**

4           “(a) IN GENERAL.—There are authorized to be ap-  
5           propriated to carry out this part \$4,000,000 for each of  
6           fiscal years 2008 to 2011.

7           “(b) AVAILABILITY.—Amounts appropriated under  
8           this section shall remain available until expended and may  
9           only be used for the specific programs and activities de-  
10          scribed in this part.”.

11   **SEC. 2604. MODEL COURTS ENHANCEMENTS ACT.**

12          Title II of the Juvenile Justice and Delinquency Pre-  
13          vention Act of 1974 (42 U.S.C. 5611 et seq.) is amended  
14          by inserting after part I, as added by section 2603, the  
15          following:

16   **“PART J—MODEL COURTS ENHANCEMENTS ACT**

17   **“SEC. 284A. SHORT TITLE.**

18          “‘This part may be cited as the ‘Model Courts En-  
19          hancements Act’.

20   **“SEC. 284B. GRANTS.**

21          “‘The Attorney General, through the Office on Juve-  
22          nile Justice and Delinquency Prevention, may award  
23          grants to improve court practice in handling of child abuse  
24          and neglect cases in urban, rural, and tribal jurisdictions  
25          by supporting—



1           “(1) training and technical assistance to juve-  
2       nile judges, public defenders, prosecutors, and other  
3       court-related personnel based on Resource Guide-  
4       lines: Improving Court Practice in Child Abuse &  
5       Neglect Cases (National Council of Juvenile and  
6       Family Court Judges) in order to improve outcomes  
7       for children and their families in the Nation’s foster  
8       care system;

9           “(2) systems change through collaborations be-  
10      tween courts and child welfare agencies;

11          “(3) the establishment and maintenance of  
12      model courts;

13          “(4) providing interdisciplinary training, publi-  
14      cations, research, and mentoring to courts seeking to  
15      improve responses in child abuse and neglect cases;  
16      and

17          “(5) other projects likely to improve juvenile  
18      court responses and systems in child abuse and ne-  
19      glect cases, foster care interventions, and perma-  
20      nency planning.

21   **“SEC. 284C. GRANT REQUIREMENTS.**

22          “Eligible grantees under this part are national pri-  
23      vate, nonprofit organizations with—

24          “(1) a demonstrated expertise in developing and  
25      providing judicial education about juvenile justice

1 systems and practice and child welfare, foster care,  
 2 and permanency planning;

3 “(2) a demonstrated capacity to provide edu-  
 4 cation and outreach to juvenile court judges and  
 5 court-related personnel through membership services  
 6 and leadership in developing model standards; and

7 “(3) a board or membership composed pri-  
 8 marily of judges.

9 **“SEC. 284D. AUTHORIZATION OF APPROPRIATIONS.**

10 “(a) IN GENERAL.—There is authorized to be appro-  
 11 priated to carry out this part \$4,000,000 for each of fiscal  
 12 years 2008 to 2011.

13 “(b) AVAILABILITY.—Funds appropriated under this  
 14 section shall remain available until expended and may only  
 15 be used for the specific programs and activities described  
 16 in this part.”.

17 **Subtitle G—Improving Assistance**  
 18 **to Domestic and Sexual Vio-**  
 19 **lence Victims Act of 2007**

20 **SEC. 2701. SHORT TITLE.**

21 This subtitle may be cited as the “Improving Assist-  
 22 ance to Domestic and Sexual Violence Victims Act of  
 23 2007”.

1 **SEC. 2702. DEFINITIONS AND UNIVERSAL GRANT CONDI-**  
2 **TIONS.**

3 (a) **YOUTH DEFINITION.**—Section 40002(a)(37) of  
4 the Violence Against Women Act of 1994 (42 U.S.C.  
5 13925(a)(36)), as added by section 3 of the Violence  
6 Against Women and Department of Justice Reauthoriza-  
7 tion Act of 2005 (Public Law 109–162), is amended to  
8 read as follows:

9 “(37) **YOUTH.**—The term ‘youth’ means teen  
10 and young adult victims of domestic violence, dating  
11 violence, sexual assault, or stalking between the ages  
12 of 12 and 24.”.

13 (b) **EXPERTISE REQUIREMENT.**—Section  
14 40002(b)(11) of the Violence Against Women Act of 1994  
15 (42 U.S.C. 13925(b)(11)), as added by section 3 of the  
16 Violence Against Women and Department of Justice Re-  
17 authorization Act of 2005 (Public Law 109–162), is  
18 amended by adding at the end the following: “The Direc-  
19 tor of the Office on Violence Against Women shall ensure  
20 that training or technical assistance will be developed and  
21 provided by entities having demonstrated expertise in the  
22 purposes, uses of funds, and other aspects of the grant  
23 program for which such training or technical assistance  
24 is provided.”.

25 (c) **STATE OBLIGATIONS.**—Section 40002(b)(2) of  
26 the Violence Against Women Act of 1994 (42 U.S.C.

1 13925(b)) is amended by inserting at the end the fol-  
 2 lowing:

3                   “(F) NO OBLIGATION OF STATE.—Share  
 4                   of match not required in accordance with this  
 5                   paragraph is waived and does not become the  
 6                   obligation of the State.”.

7           (d) FEDERAL OBLIGATIONS.—

8                   (1) IN GENERAL.—Section 2007(f) of the Om-  
 9                   nibus Crime Control and Safe Streets Act of 1968  
 10                  (42 U.S.C. 3796gg–1(f)) is amended by striking the  
 11                  period and inserting “, except that the Federal share  
 12                  may exceed 75 percent when grantees have received  
 13                  a hardship waiver under section 40002(b)(1)(B) of  
 14                  the Violence Against Women Act of 1994 (42 U.S.C.  
 15                  13925(b)(1)(B)) or for that portion of a grant that  
 16                  supports subgrants to entities exempt from match  
 17                  under section 40002(b)(1)(A) or (b)(1)(B) of the Vi-  
 18                  olence Against Women Act of 1994 (42 U.S.C.  
 19                  13925(b)(1)(A) and (B)).”

20                  (2) TECHNICAL AMENDMENT.—Section  
 21                  40002(b)(1) of the Violence Against Women Act of  
 22                  1994 (42 U.S.C. 13925(b)(1)), as added by section  
 23                  3 of the Violence Against Women and Department  
 24                  of Justice Reauthorization Act of 2005 (Public Law

1       109–1625), is amended by striking “under this Act  
2       for” and inserting “under this Act to”.

3       (e) TREATMENT OF CONFIDENTIAL INFORMATION.—  
4       Section 40002(b)(2) of the Violence Against Women Act  
5       of 1994 (42 U.S.C. 13925(b)(2)) is amended—

6               (1) in subparagraph (A), by inserting “privacy  
7       and” before “safety”;

8               (2) in subparagraph (B)—

9                       (A) by striking “and (D),” and inserting  
10               “(D), (E), (F), (G), and (H),”;

11                      (B) in clause (ii) by—

12                               (i) striking “consent” and inserting  
13               “authorization”;

14                               (ii) striking “(or in the case of an  
15               unemancipated minor, the minor and the  
16               parent or guardian or in the case of per-  
17               sons with disabilities, the guardian)”;

18                               (iii) striking “, except that consent for  
19               release may not be given by the abuser of  
20               the minor, person with disabilities, or the  
21               abuser of the other parent of the minor.”

22               and inserting “; or”; and

23               (3) by designating subparagraph (E) as sub-  
24       paragraph (H) and inserting after subparagraph (D)  
25       the following:

1           “(E) STATUTORILY PERMITTED REPORTS  
2           OF ABUSE OR NEGLECT.—Nothing shall pro-  
3           hibit a grantee or subgrantee from reporting  
4           abuse and neglect as those terms are defined by  
5           law and where mandated or expressly permitted  
6           by the State, tribe, or territory.

7           “(F) PREEMPTION.—Nothing in this sec-  
8           tion shall be construed to supersede any provi-  
9           sion of any Federal, State, tribal, territorial, or  
10          local law that provides greater protection than  
11          this paragraph for victims of domestic violence,  
12          dating violence, sexual assault, or stalking.

13          “(G) MINORS AND PERSONS WITH GUARD-  
14          IANS.—If a minor or a person with a guardian  
15          is permitted by law to receive services without  
16          the parent’s or guardian’s consent, the minor or  
17          person with a guardian may release information  
18          without additional consent. Under any condi-  
19          tion, consent for release of information may not  
20          be given by the abuser of the minor, or person  
21          with a guardian, or the abuser of the other par-  
22          ent of the minor.”.

1 **SEC. 2703. CRIMINAL JUSTICE.**

2 (a) APPLICATION REQUIREMENTS.—Section 2007(d)  
3 of the Omnibus Crime Control and Safe Streets Act of  
4 1968 (42 U.S.C. 3796gg–1(d)) is amended—

5 (1) in paragraph (3) by striking “and” after  
6 the semicolon;

7 (2) in paragraph (4), by striking the period and  
8 inserting “and”; and

9 (3) by inserting at the end the following:

10 “(5) proof of compliance with the requirements  
11 prohibiting the publication of protection order infor-  
12 mation on the Internet provided in section 2013A.”.

13 (b) LIMITS ON INTERNET PUBLICATION OF PROTEC-  
14 TION ORDER INFORMATION.—Section 2265(d) of title 18,  
15 United States Code, is amended by striking paragraph (3).

16 (c) STATE CERTIFICATION.—Part T of the Omnibus  
17 Crime Control and Safe Streets Act of 1968 (42 U.S.C.  
18 3796gg et seq.) is amended by inserting after section 2013  
19 the following:

20 **“SEC. 2013A. LIMITS ON INTERNET PUBLICATION OF PRO-**  
21 **TECTION ORDER INFORMATION.**

22 “(a) IN GENERAL.—A State, Indian tribe, or terri-  
23 tory shall not make available publicly on the Internet any  
24 information regarding the filing for or issuance, modifica-  
25 tion, registration, extension or enforcement of a protection  
26 order, restraining order, or injunction in either the issuing

1 or enforcing State, tribal or territorial jurisdiction, if such  
2 publication would be likely to publicly reveal the identity  
3 or location of the party protected under such order.

4 “(b) EXCEPTION.—A State, Indian tribe, or territory  
5 may share court generated and law enforcement-generated  
6 information about such orders if that information is con-  
7 tained in secure, governmental registries for protection  
8 order enforcement purposes.”.

9 (d) HEALTH CARE PROFESSIONALS.—Section  
10 2010(c) of the Omnibus Crime Control and Safe Streets  
11 Act of 1968 (42 U.S.C. 3796gg–4) is amended by striking  
12 “trained examiners for” and inserting “health care profes-  
13 sionals for adult, youth, and child”.

14 (e) RURAL STATE.—Section 40002 (a)(22) of the Vi-  
15 olence Against Women Act of 1994 (42 U.S.C. 13925  
16 (a)(22)), is amended by striking “150,000” and inserting  
17 “200,000”.

18 (f) COSTS FOR CRIMINAL CHARGES AND PROTEC-  
19 TION ORDERS.—Section 2011 (a)(1) of the Omnibus  
20 Crime Control and Safe Streets Act of 1968 (42 U.S.C.  
21 3796gg–5 (a)(1)), as redesignated by the 21st Century  
22 Department of Justice Appropriations Authorization Act  
23 (Public Law 107–273), is amended by inserting “dating  
24 violence,” before “stalking”.



1 (g) GRANTS TO ENCOURAGE ARREST POLICIES AND  
 2 ENFORCEMENT OF PROTECTION ORDERS.—Section  
 3 2101(c)(4) of the Omnibus Crime Control and Safe  
 4 Streets Act of 1968 (42 U.S.C. 3796hh(c)(4)) is amended  
 5 by inserting “dating violence,” before “stalking”.

6 **SEC. 2704. FAMILIES.**

7 Section 41304 of the Violence Against Women Act  
 8 of 1994 (42 U.S.C. 14043d–3), as added by section 401  
 9 of the Violence Against Women and Department of Jus-  
 10 tice Reauthorization Act of 2005 (Public Law 109–162),  
 11 is amended—

12 (1) in subsection (a)—

13 (A) in paragraph (1), by striking “Attor-  
 14 ney General, acting through the Director of the  
 15 Office on Violence Against Women, and in col-  
 16 laboration with the Department of Health and  
 17 Human Services” and inserting “Secretary of  
 18 Health and Human Services (in this section re-  
 19 ferred to as the ‘Secretary’), through the Ad-  
 20 ministration for Children, Youth and Families”;

21 (B) in paragraph (2) by striking “Direc-  
 22 tor” and inserting “Secretary”; and

23 (C) in paragraph (3) by striking “Direc-  
 24 tor” and inserting “Secretary”; and

1           (2) in subsection (d)(1), by striking “Director”  
 2           both places it appears and inserting “Secretary”.

3 **SEC. 2705. HOUSING.**

4           (a) SECTION 6.—Section 6(u)(1)(A) of the United  
 5 States Housing Act of 1937 (42 U.S.C. 1437d) is amend-  
 6 ed by inserting “, as described in subparagraph (C),” after  
 7 “HUD approved certification form”.

8           (b) SECTION 8.—Section 8(ee)(1)(A) of the United  
 9 States Housing Act of 1937 (42 U.S.C. 1437f) is amended  
 10 by inserting “, as described in subparagraph (C),” after  
 11 “HUD approved certification form”.

12 **SEC. 2706. ECONOMIC SECURITY.**

13           (a) AUTHORITY.—Section 41501(a) of the Violence  
 14 Against Women Act of 1994 (42 U.S.C. 14043f(a)) is  
 15 amended by—

16           (1) striking “The Attorney General” and insert-  
 17 ing the following:

18           “(1) IN GENERAL.—The Attorney General”;

19           and

20           (2) striking the last sentence and inserting the  
 21 following:

22           “(2) INFORMATION AND ASSISTANCE.—The re-  
 23 source center shall provide information and assist-  
 24 ance to employers and labor organizations to—

1           “(A) aid in their efforts to develop and im-  
2           plement responses to such violence; and

3           “(B) victims service providers, including  
4           community-based organizations and tribal coali-  
5           tions, to enable to them to provide resource ma-  
6           terials or other assistance to employers, labor  
7           organizations, or employees.”.

8           (b) ENTITIES PROVIDING ASSISTANCE.—Section  
9   41501 (c)(1) of the Violence Against Women Act of 1994  
10   (42 U.S.C. 14043f(c)(1)) is amended by striking “and  
11   labor organizations” and inserting “, labor organizations,  
12   victim service providers, community-based organizations,  
13   State domestic violence coalitions, State sexual assault  
14   coalitions, and tribal coalitions”.

15   **SEC. 2707. TRIBAL ISSUES.**

16           (a) CONSULTATION.—Section 903 of the Violence  
17   Against Women and Department of Justice Reauthoriza-  
18   tion Act of 2005 is amended by inserting at the end the  
19   following:

20           “(c) REPORT TO CONGRESS.—The Attorney General  
21   shall ensure that no later than 3 months after the date  
22   the annual consultation is held, a report is submitted to  
23   the Committee on Indian Affairs and the Judiciary Com-  
24   mittee of the Senate, the Judiciary Committee and the  
25   Committee on Natural Resources of the House of Rep-

1 representatives summarizing the consultation, request of In-  
2 dian tribes for enhancing the safety of Indian women, the  
3 investigative efforts of the Federal Bureau of Investiga-  
4 tion and prosecutorial efforts of the United States Attor-  
5 neys on cases of domestic violence, sexual assault, dating  
6 violence and stalking, the statistics of investigations, in-  
7 dictments and convictions of such cases for the preceding  
8 3 years.”.

9 (b) GRANTS TO INDIAN TRIBAL GOVERNMENTS.—  
10 Section 2015 of the Omnibus Crime Control and Safe  
11 Streets Act of 1968 (42 U.S.C. 3796gg–10) is amended  
12 by inserting at the end the following:

13 “(c) AVAILABILITY.—Funds appropriated under this  
14 section shall remain available until expended and may only  
15 be used for the specific programs and activities described  
16 in this title.

17 “(d) DURATION.—Grants made under this section  
18 shall be for no more than a 24-month project period. Ex-  
19 tension of the project period shall be allowable.

20 “(e) TECHNICAL ASSISTANCE.—No later than 120  
21 days after receiving an appropriation for this program, the  
22 Director of the Office on Violence Against Women shall  
23 set aside not less than 6 percent of the total amount of  
24 the funds made available under this section for the pur-  
25 pose of entering into cooperative agreements with a tribal

1 organization with demonstrated experience in providing  
2 training and technical experience to Indian tribes in ad-  
3 dressing violence against Indian women. Such training  
4 and technical experience shall be specifically designed to  
5 address the unique legal status and geographic cir-  
6 cumstances of the Indian tribes receiving funds under this  
7 program.”.

8 **SEC. 2708. POLYGRAPH PROCEDURES.**

9 (a) STOP GRANTS.—Section 2013(a) of the Omni-  
10 bus Crime Control and Safe Streets Act of 1968 (42  
11 U.S.C. 3796gg(a)) is amended by striking “as a condition  
12 for proceeding with the investigation of such an offense”.

13 (b) GRANTS TO ENCOURAGE ARREST.—Section  
14 2101(c)(5)(A) of the Omnibus Crime Control and Safe  
15 Streets Act of 1968 (42 U.S.C. 3796hh(c)(5)(A)) is  
16 amended by striking “as a condition for proceeding with  
17 the investigation of such an offense”.

18 **SEC. 2709. SEXUAL ASSAULT NURSE EXAMINERS.**

19 Section 2101(b) of the Omnibus Crime Control and  
20 Safe Streets Act of 1968 (42 U.S.C. 3796hh(b)) is amend-  
21 ed by adding the following after paragraph (13):

22 “(14) To provide for sexual assault forensic  
23 medical personnel examiners in the collection and  
24 preservation of evidence, analysis, prevention, expert

1 testimony, and treatment of trauma related to sexual  
2 assault.”.

3 **TITLE III—PROTECTING COMMU-**  
4 **NITIES BY REDUCING RECIDIVISM**

6 **Subtitle A—Enhanced Second**  
7 **Chance Act of 2007**

8 **SEC. 3101. SHORT TITLE.**

9 This subtitle may be cited as the “Enhanced Second  
10 Chance Act of 2007”.

11 **SEC. 3102. FINDING.**

12 Congress finds the following:

13 (1) In 2002, over 7,000,000 people were incarcerated  
14 in Federal or State prisons or in local jails. Nearly  
15 650,000 people are released from Federal and State  
16 incarceration into communities nationwide each year.

18 (2) There are over 3,200 jails throughout the  
19 United States, the vast majority of which are operated  
20 by county governments. Each year, these jails will  
21 release more than 10,000,000 people back into  
22 the community.

23 (3) Recent studies indicate that over  $\frac{2}{3}$  of released  
24 State prisoners are expected to be rearrested

1 for a felony or serious misdemeanor within 3 years  
2 after release.

3 (4) According to the Bureau of Justice Statis-  
4 tics, expenditures on corrections alone increased  
5 from \$9,000,000,000 in 1982, to \$59,600,000,000  
6 in 2002. These figures do not include the cost of ar-  
7 rest and prosecution, nor do they take into account  
8 the cost to victims.

9 (5) The Serious and Violent Offender Reentry  
10 Initiative provided \$139,000,000 in funding for  
11 State governments to develop and implement edu-  
12 cation, job training, mental health treatment, and  
13 substance abuse treatment for serious and violent of-  
14 fenders. This subtitle seeks to build upon the inno-  
15 vative and successful State reentry programs devel-  
16 oped under the Serious and Violent Offender Re-  
17 entry Initiative, which terminated after fiscal year  
18 2005.

19 (6) Between 1991 and 1999, the number of  
20 children with a parent in a Federal or State correc-  
21 tional facility increased by more than 100 percent,  
22 from approximately 900,000 to approximately  
23 2,000,000. According to the Bureau of Prisons,  
24 there is evidence to suggest that inmates who are  
25 connected to their children and families are more

1       likely to avoid negative incidents and have reduced  
2       sentences.

3           (7) Released prisoners cite family support as  
4       the most important factor in helping them stay out  
5       of prison. Research suggests that families are an  
6       often underutilized resource in the reentry process.

7           (8) Approximately 100,000 juveniles (ages 17  
8       years and under) leave juvenile correctional facilities,  
9       State prison, or Federal prison each year. Juveniles  
10      released from secure confinement still have their  
11      likely prime crime years ahead of them. Juveniles re-  
12      leased from secure confinement have a recidivism  
13      rate ranging from 55 to 75 percent. The chances  
14      that young people will successfully transition into so-  
15      ciety improve with effective reentry and aftercare  
16      programs.

17          (9) Studies have shown that between 15 percent  
18      and 27 percent of prisoners expect to go to homeless  
19      shelters upon release from prison.

20          (10) Fifty-seven percent of Federal and 70 per-  
21      cent of State inmates used drugs regularly before  
22      going to prison, and the Bureau of Justice Statistics  
23      report titled “Trends in State Parole, 1990–2000”  
24      estimates the use of drugs or alcohol around the



1       time of the offense that resulted in the incarceration  
2       of the inmate at as high as 84 percent.

3           (11) The high prevalence of infectious disease,  
4       substance abuse, and mental health disorders that  
5       has been found in incarcerated populations demands  
6       that a recovery model of treatment should be used  
7       for handling the more than  $\frac{2}{3}$  of all offenders with  
8       such needs.

9           (12) Family-based treatment programs have  
10      proven results for serving the special populations of  
11      female offenders and substance abusers with chil-  
12      dren. An evaluation by the Substance Abuse and  
13      Mental Health Services Administration of family-  
14      based treatment for substance-abusing mothers and  
15      children found that 6 months after such treatment,  
16      60 percent of the mothers remained alcohol and  
17      drug free, and drug-related offenses declined from  
18      28 percent to 7 percent. Additionally, a 2003 evalua-  
19      tion of residential family-based treatment programs  
20      revealed that 60 percent of mothers remained clean  
21      and sober 6 months after treatment, criminal arrests  
22      declined by 43 percent, and 88 percent of the chil-  
23      dren treated in the program with their mothers re-  
24      mained stabilized.

1           (13) A Bureau of Justice Statistics analysis in-  
2           dicated that only 33 percent of Federal inmates and  
3           36 percent of State inmates had participated in resi-  
4           dential inpatient treatment programs for alcohol and  
5           drug abuse 12 months before their release. Further,  
6           over  $\frac{1}{3}$  of all jail inmates have some physical or  
7           mental disability and 25 percent of jail inmates have  
8           been treated at some time for a mental or emotional  
9           problem.

10          (14) State Substance Abuse Agency Directors,  
11          also known as Single State Authorities (in this para-  
12          graph referred to as “SSAs”), manage the publicly  
13          funded substance abuse prevention and treatment  
14          system of the Nation. SSAs are responsible for plan-  
15          ning and implementing statewide systems of care  
16          that provide clinically appropriate substance abuse  
17          services. Given the high rate of substance use dis-  
18          orders among offenders reentering our communities,  
19          successful reentry programs require close interaction  
20          and collaboration with each SSA as the program is  
21          planned, implemented and evaluated.

22          (15) According to the National Institute of Lit-  
23          eracy, 70 percent of all prisoners function at the  
24          lowest literacy levels.

1           (16) Less than 32 percent of State prison in-  
2       mates have a high school diploma or a higher level  
3       of education, compared to 82 percent of the general  
4       population.

5           (17) Approximately 38 percent of inmates who  
6       completed 11 years or less of school were not work-  
7       ing before entry into prison.

8           (18) The percentage of State prisoners partici-  
9       pating in educational programs decreased by more  
10      than 8 percent between 1991 and 1997, despite  
11      growing evidence of how educational programming  
12      while incarcerated reduces recidivism.

13          (19) The National Institute of Justice has  
14      found that 1 year after release, up to 60 percent of  
15      former inmates are not employed.

16          (20) Transitional jobs programs have proven to  
17      help people with criminal records to successfully re-  
18      turn to the workplace and to the community, and  
19      therefore can reduce recidivism.

20          (21) Successful reentry protects those who  
21      might otherwise be crime victims. It also improves  
22      the likelihood that individuals released from prison  
23      or juvenile detention facilities can pay fines, fees,  
24      restitution, and family support.

1           (22) Participation in State correctional edu-  
 2           cation programs lowers the likelihood of reincarcer-  
 3           ation by 29 percent, according to a recent United  
 4           States Department of Education study. A Federal  
 5           Bureau of Prisons study found a 33 percent drop in  
 6           recidivism among Federal prisoners who participated  
 7           in vocational and apprenticeship training.

8 **SEC. 3103. REAUTHORIZATION OF ADULT AND JUVENILE**  
 9                   **OFFENDER STATE AND LOCAL REENTRY**  
 10                   **DEMONSTRATION PROJECTS.**

11           (a) ADULT OFFENDER DEMONSTRATION PROJECTS  
 12 AUTHORIZED.—Section 2976(b) of the Omnibus Crime  
 13 Control and Safe Streets Act of 1968 (42 U.S.C.  
 14 3797w(b)) is amended by striking paragraphs (1) through  
 15 (4) and inserting the following:

16           “(1) establishing or improving the system or  
 17           systems under which—

18                   “(A) the correctional agency of the State  
 19                   or local government develops and carries out  
 20                   plans to facilitate the reentry into the commu-  
 21                   nity of each offender in State or local custody;

22                   “(B) the supervision and services provided  
 23                   to offenders in State or local custody are co-  
 24                   ordinated with the supervision and services pro-

1           vided to offenders after reentry into the com-  
2           munity;

3           “(C) the efforts of various public and pri-  
4           vate entities to provide supervision and services  
5           to offenders after reentry into the community,  
6           and to family members of such offenders, are  
7           coordinated; and

8           “(D) offenders awaiting reentry into the  
9           community are provided with documents (such  
10          as identification papers, referrals to services,  
11          medical prescriptions, job training certificates,  
12          apprenticeship papers, and information on ob-  
13          taining public assistance) useful in achieving a  
14          successful transition from prison;

15          “(2) carrying out programs and initiatives by  
16          units of local government to strengthen reentry serv-  
17          ices for individuals released from local jails;

18          “(3) enabling prison mentors of offenders to re-  
19          main in contact with those offenders, including  
20          through the use of such technology as  
21          videoconferencing, during incarceration and after re-  
22          entry into the community and encouraging the in-  
23          volvement of prison mentors in the reentry process;

24          “(4) providing structured post-release housing  
25          and transitional housing, including group homes for

1 recovering substance abusers, through which offend-  
2 ers are provided supervision and services imme-  
3 diately following reentry into the community;

4 “(5) assisting offenders in securing permanent  
5 housing upon release or following a stay in transi-  
6 tional housing;

7 “(6) providing continuity of health services (in-  
8 cluding mental health services, substance abuse  
9 treatment and aftercare, and treatment for con-  
10 tagious diseases) to offenders in custody and after  
11 reentry into the community;

12 “(7) providing offenders with education, job  
13 training, English as a second language programs,  
14 work experience programs, self-respect and life skills  
15 training, and other skills useful in achieving a suc-  
16 cessful transition from prison;

17 “(8) facilitating collaboration among corrections  
18 and community corrections, technical schools, com-  
19 munity colleges, and the workforce development and  
20 employment service sectors to—

21 “(A) promote, where appropriate, the em-  
22 ployment of people released from prison and  
23 jail, through efforts such as educating employ-  
24 ers about existing financial incentives and facili-  
25 tate the creation of job opportunities, including

1 transitional jobs, for this population that will  
2 benefit communities;

3 “(B) connect inmates to employment, in-  
4 cluding supportive employment and employment  
5 services, before their release to the community;

6 “(C) address barriers to employment, in-  
7 cluding licensing; and

8 “(D) identify labor market needs to ensure  
9 that education and training are appropriate;

10 “(9) assessing the literacy and educational  
11 needs of offenders in custody and identifying and  
12 providing services appropriate to meet those needs,  
13 including followup assessments and long-term serv-  
14 ices;

15 “(10) systems under which family members of  
16 offenders are involved in facilitating the successful  
17 reentry of those offenders into the community, in-  
18 cluding removing obstacles to the maintenance of  
19 family relationships while the offender is in custody,  
20 strengthening the family’s capacity to function as a  
21 stable living situation during reentry where appro-  
22 priate to the safety and well-being of any children  
23 involved, and involving family members in the plan-  
24 ning and implementation of the reentry process;

1           “(11) programs under which victims are in-  
2           cluded, on a voluntary basis, in the reentry process;

3           “(12) programs that facilitate visitation and  
4           maintenance of family relationships with respect to  
5           offenders in custody by addressing obstacles such as  
6           travel, telephone costs, mail restrictions, and restric-  
7           tive visitation policies;

8           “(13) identifying and addressing barriers to col-  
9           laborating with child welfare agencies in the provi-  
10          sion of services jointly to offenders in custody and  
11          to the children of such offenders;

12          “(14) implementing programs in correctional  
13          agencies to include the collection of information re-  
14          garding any dependent children of an incarcerated  
15          person as part of intake procedures, including the  
16          number of children, age, and location or jurisdiction,  
17          and connect identified children with appropriate  
18          services;

19          “(15) addressing barriers to the visitation of  
20          children with an incarcerated parent, and mainte-  
21          nance of the parent-child relationship, such as the  
22          location of facilities in remote areas, telephone costs,  
23          mail restrictions, and visitation policies;

24          “(16) creating, developing, or enhancing pris-  
25          oner and family assessments curricula, policies, pro-



1       cedures, or programs (including mentoring pro-  
2       grams) to help prisoners with a history or identified  
3       risk of domestic violence, dating violence, sexual as-  
4       sault, or stalking reconnect with their families and  
5       communities, as appropriate (or when it is safe to do  
6       so), and become mutually respectful, nonabusive par-  
7       ents or partners, under which particular attention is  
8       paid to the safety of children affected and the con-  
9       fidentiality concerns of victims, and efforts are co-  
10      ordinated with existing victim service providers;

11           “(17) developing programs and activities that  
12      support parent-child relationships, as appropriate to  
13      the health and well-being of the child, such as—

14           “(A) using telephone conferencing to per-  
15      mit incarcerated parents to participate in par-  
16      ent-teacher conferences;

17           “(B) using videoconferencing to allow vir-  
18      tual visitation when incarcerated persons are  
19      more than 100 miles from their families;

20           “(C) the development of books on tape  
21      programs, through which incarcerated parents  
22      read a book into a tape to be sent to their chil-  
23      dren;

1           “(D) the establishment of family days,  
2           which provide for longer visitation hours or  
3           family activities; or

4           “(E) the creation of children’s areas in vis-  
5           itation rooms with parent-child activities;

6           “(18) expanding family based treatment centers  
7           that offer family based comprehensive treatment  
8           services for parents and their children as a complete  
9           family unit;

10          “(19) conducting studies to determining who is  
11          returning to prison or jail and which of those return-  
12          ing prisoners represent the greatest risk to commu-  
13          nity safety;

14          “(20) developing or adopting procedures to en-  
15          sure that dangerous felons are not released from  
16          prison prematurely;

17          “(21) developing and implementing procedures  
18          to assist relevant authorities in determining when re-  
19          lease is appropriate and in the use of data to inform  
20          the release decision;

21          “(22) developing and implementing procedures  
22          to identify efficiently and effectively those violators  
23          of probation or parole who should be returned to  
24          prison;

1           “(23) utilizing validated assessment tools to as-  
2       sess the risk factors of returning inmates and  
3       prioritizing services based on risk;

4           “(24) conducting studies to determine who is  
5       returning to prison or jail and which of those return-  
6       ing prisoners represent the greatest risk to commu-  
7       nity safety;

8           “(25) facilitating and encouraging timely and  
9       complete payment of restitution and fines by ex-of-  
10      fenders to victims and the community;

11          “(26) establishing or expanding the use of re-  
12      entry courts to—

13           “(A) monitor offenders returning to the  
14      community;

15           “(B) provide returning offenders with—

16            “(i) drug and alcohol testing and  
17            treatment; and

18            “(ii) mental and medical health as-  
19            sessments and services;

20           “(C) facilitate restorative justice practices  
21      and convene family or community impact pan-  
22      els, family impact educational classes, victim  
23      impact panels, or victim impact educational  
24      classes;

1 “(D) provide and coordinate the delivery of  
 2 other community services to offenders, includ-  
 3 ing—

4 “(i) housing assistance;

5 “(ii) education;

6 “(iii) employment training;

7 “(iv) children and family support;

8 “(v) conflict resolution skills training;

9 “(vi) family violence intervention pro-  
 10 grams; and

11 “(vii) other appropriate social serv-  
 12 ices; and

13 “(E) establish and implement graduated  
 14 sanctions and incentives; and

15 “(27) providing technology and other tools nec-  
 16 essary to advance post- release supervision.”.

17 (b) JUVENILE OFFENDER DEMONSTRATION  
 18 PROJECTS AUTHORIZED.—Section 2976(c) of the Omni-  
 19 bus Crime Control and Safe Streets Act of 1968 (42  
 20 U.S.C. 3797w(c)) is amended by striking “may be ex-  
 21 pended for” and all that follows through the period at the  
 22 end and inserting “may be expended for any activity re-  
 23 ferred to in subsection (b).”.

24 (c) APPLICATIONS; PRIORITIES; PERFORMANCE  
 25 MEASUREMENTS.—Section 2976 of the Omnibus Crime

1 Control and Safe Streets Act of 1968 (42 U.S.C. 3797w)  
2 is amended—

3 (1) by redesignating subsection (h) as sub-  
4 section (o); and

5 (2) by striking subsections (d) through (g) and  
6 inserting the following:

7 “(d) APPLICATIONS.—A State, unit of local govern-  
8 ment, territory, or Indian tribe desiring a grant under this  
9 section shall submit an application to the Attorney Gen-  
10 eral that—

11 “(1) contains a reentry strategic plan, which  
12 describes the long-term strategy, and a detailed im-  
13 plementation schedule, including the jurisdiction’s  
14 plans to pay for the program after the Federal fund-  
15 ing is discontinued;

16 “(2) identifies the governmental agencies and  
17 community- and faith-based organizations that will  
18 be coordinated by, and collaborate on, the appli-  
19 cant’s prisoner reentry strategy and certifies their  
20 involvement; and

21 “(3) describes the methodology and outcome  
22 measures that will be used in evaluating the pro-  
23 gram.

24 “(e) PRIORITY CONSIDERATION.—The Attorney Gen-  
25 eral shall give priority to grant applications that best—

1           “(1) focus initiatives on geographic areas with  
2           a substantiated high population of ex-offenders;

3           “(2) include partnerships with community-based  
4           organizations, including faith-based organizations;

5           “(3) provide consultations with crime victims  
6           and former incarcerated prisoners and their families;

7           “(4) review the process by which the State ad-  
8           judicates violations of parole or supervised release  
9           and consider reforms to maximize the use of grad-  
10          uated, community-based sanctions for minor and  
11          technical violations of parole or supervised release;

12          “(5) establish prerelease planning procedures  
13          for prisoners to ensure that a prisoner’s eligibility  
14          for Federal or State benefits (including Medicaid,  
15          Medicare, Social Security, and veterans’ benefits)  
16          upon release is established prior to release, subject  
17          to any limitations in law, and to ensure that pris-  
18          oners are provided with referrals to appropriate so-  
19          cial and health services or are linked to appropriate  
20          community-based organizations;

21          “(6) target high-risk offenders for reentry pro-  
22          grams through validated assessment tools; and

23          “(7) provide returning offenders with informa-  
24          tion on how they can restore their voting rights, and  
25          any other civil or civic rights denied to them due to

1       their offender status, under the laws of the State  
2       where they are released.

3       “(f) REQUIREMENTS.—The Attorney General may  
4       make a grant to an applicant only if the application—

5               “(1) reflects explicit support of the chief execu-  
6       tive officer of the State or unit of local government,  
7       territory, or Indian tribe applying for a grant under  
8       this section;

9               “(2) provides extensive discussion of the role of  
10      State corrections departments, community correc-  
11      tions agencies, juvenile justice systems, or local jail  
12      systems in ensuring successful reentry of ex-offend-  
13      ers into their communities;

14              “(3) provides extensive evidence of collaboration  
15      with State and local government agencies overseeing  
16      health, housing, child welfare, education, and em-  
17      ployment services, and local law enforcement;

18              “(4) in the case of a State grantee, the State  
19      provides a plan for the analysis of existing State  
20      statutory, regulatory, rules-based, and practice-based  
21      hurdles to a prisoner’s reintegration into the com-  
22      munity; in the case of a local grantee, the local  
23      grantee provides a plan for the analysis of existing  
24      local statutory, regulatory, rules-based, and practice-  
25      based hurdles to a prisoner’s reintegration into the

community; and in the case of a territorial grantee, the territory provides a plan for the analysis of existing territorial statutory, regulatory, rules-based, and practice-based hurdles to a prisoner's reintegration into the community that—

“(A) takes particular note of laws, regulations, rules, and practices that disqualify former prisoners from obtaining professional licenses or other requirements for certain types of employment, and that hinder full civic participation;

“(B) identifies those laws, regulations, rules, or practices that are not directly connected to the crime committed and the risk that the ex-offender presents to the community; and

“(C) affords members of the public an opportunity to participate in the process described in this subsection; and

“(5) includes the use of a State or local task force to carry out the activities funded under the grant.

“(g) USES OF GRANT FUNDS.—

“(1) FEDERAL SHARE.—The Federal share of a grant received under this section may not exceed 75 percent of the project funded under the grant, unless the Attorney General—



1           “(A) waives, in whole or in part, the re-  
2           quirement of this paragraph; and

3           “(B) publicly delineates the rationale for  
4           the waiver.

5           “(2) SUPPLEMENT NOT SUPPLANT.—Federal  
6           funds received under this section shall be used to  
7           supplement, not supplant, non-Federal funds that  
8           would otherwise be available for the activities funded  
9           under this section.

10          “(h) REENTRY STRATEGIC PLAN.—

11           “(1) IN GENERAL.—As a condition of receiving  
12           financial assistance under this section, each appli-  
13           cant shall develop a comprehensive strategic reentry  
14           plan that contains measurable annual and 5- to 10-  
15           year performance outcomes. The plan shall have as  
16           a goal to reduce the rate of recidivism of incarcer-  
17           ated persons served with funds from this section  
18           within the State by 50 percent over a period of 10  
19           years.

20           “(2) COORDINATION.—In developing reentry  
21           plans under this subsection, applicants shall coordi-  
22           nate with communities and stakeholders, including  
23           experts in the fields of public safety, corrections,  
24           housing, health, education, employment, and mem-

1       bers of community and faith-based organizations  
2       that provide reentry services.

3               “(3) MEASUREMENTS OF PROGRESS.—Each re-  
4       entry plan developed under this subsection shall  
5       measure the applicant’s progress toward increasing  
6       public safety by reducing rates of recidivism and en-  
7       abling released offenders to transition successfully  
8       back into their communities.

9               “(i) REENTRY TASK FORCE.—

10              “(1) IN GENERAL.—As a condition of receiving  
11       financial assistance under this section, each State or  
12       local government receiving a grant shall establish or  
13       empower a Reentry Task Force, or other relevant  
14       convening authority, to examine ways to pool exist-  
15       ing resources and funding streams to promote lower  
16       recidivism rates for returning prisoners, and to mini-  
17       mize the harmful effects of incarceration on families  
18       and communities by collecting data and best prac-  
19       tices in offender reentry from demonstration grant-  
20       ees and other agencies and organizations.

21              “(2) MEMBERSHIP.—The task force or other  
22       authority shall be comprised of relevant State or  
23       local leaders, agencies, service providers, community-  
24       based organizations, and stakeholders.

25              “(j) STRATEGIC PERFORMANCE OUTCOMES.—

1           “(1) IN GENERAL.—Each applicant shall iden-  
2       tify specific performance outcomes related to the  
3       long-term goals of increasing public safety and re-  
4       ducing recidivism.

5           “(2) PERFORMANCE OUTCOMES.—The perform-  
6       ance outcomes identified under paragraph (1) shall  
7       include, with respect to offenders released back into  
8       the community—

9                   “(A) recommitment rates;

10                   “(B) reduction in crime;

11                   “(C) employment and education;

12                   “(D) violations of conditions of supervised  
13       release;

14                   “(E) child support;

15                   “(F) housing;

16                   “(G) drug and alcohol abuse; and

17                   “(H) participation in mental health serv-  
18       ices.

19           “(3) OPTIONAL MEASURES.—States may also  
20       report on other activities that increase the success  
21       rates of offenders who transition from prison, such  
22       as programs that foster effective risk management  
23       and treatment programming, offender accountability,  
24       and community and victim participation.

1           “(4) COORDINATION.—Applicants should co-  
2           ordinate with communities and stakeholders about  
3           the selection of performance outcomes identified by  
4           the applicants and with the Department of Justice  
5           for assistance with data collection and measurement  
6           activities.

7           “(5) REPORT.—Each grantee shall submit an  
8           annual report to the Department of Justice that—

9                   “(A) identifies the grantee’s progress to-  
10           ward achieving its strategic performance out-  
11           comes; and

12                   “(B) describes other activities conducted  
13           by the grantee to increase the success rates of  
14           the reentry population.

15           “(k) PERFORMANCE MEASUREMENT.—

16                   “(1) IN GENERAL.—The Department of Jus-  
17           tice, in consultation with the States, shall—

18                   “(A) identify primary and secondary  
19           sources of information to support the measure-  
20           ment of the performance indicators identified  
21           under this section;

22                   “(B) identify sources and methods of data  
23           collection in support of performance measure-  
24           ment required under this section;

1           “(C) provide to all grantees technical as-  
2           sistance and training on performance measures  
3           and data collection for purposes of this section;  
4           and

5           “(D) coordinate with the Substance Abuse  
6           and Mental Health Services Administration on  
7           strategic performance outcome measures and  
8           data collection for purposes of this section relat-  
9           ing to substance abuse and mental health.

10          “(2) COORDINATION.—The Department of Jus-  
11          tice shall coordinate with other Federal agencies to  
12          identify national sources of information to support  
13          State performance measurement.

14          “(1) FUTURE ELIGIBILITY.—To be eligible to receive  
15          a grant under this section for fiscal years after the first  
16          receipt of such a grant, a State shall submit to the Attor-  
17          ney General such information as is necessary to dem-  
18          onstrate that—

19               “(1) the State has adopted a reentry plan that  
20               reflects input from community-based and faith-based  
21               organizations;

22               “(2) the public has been afforded an oppor-  
23               tunity to provide input in the development of the  
24               plan;

1           “(3) the State’s reentry plan includes perform-  
2           ance measures to assess the State’s progress toward  
3           increasing public safety by reducing by 10 percent  
4           over the 2-year period the rate at which individuals  
5           released from prison who participate in the reentry  
6           system supported by Federal funds are recommitted  
7           to prison; and

8           “(4) the State will coordinate with the Depart-  
9           ment of Justice, community-based and faith-based  
10          organizations, and other experts regarding the selec-  
11          tion and implementation of the performance meas-  
12          ures described in subsection (k).

13          “(m) NATIONAL ADULT AND JUVENILE OFFENDER  
14 REENTRY RESOURCE CENTER.—

15           “(1) AUTHORITY.—The Attorney General may,  
16           using amounts made available to carry out this sub-  
17           section, make a grant to an eligible organization to  
18           provide for the establishment of a National Adult  
19           and Juvenile Offender Reentry Resource Center.

20           “(2) ELIGIBLE ORGANIZATION.—An organiza-  
21           tion eligible for the grant under paragraph (1) is  
22           any national nonprofit organization approved by the  
23           Federal task force established under the Enhanced  
24           Second Chance Act of 2007 that represents, provides  
25           technical assistance and training to, and has special

1 expertise and broad, national-level experience in of-  
2 fender reentry programs, training, and research.

3 “(3) USE OF FUNDS.—The organization receiv-  
4 ing the grant shall establish a National Adult and  
5 Juvenile Offender Reentry Resource Center to—

6 “(A) provide education, training, and tech-  
7 nical assistance for States, local governments,  
8 territories, Indian tribes, service providers,  
9 faith-based organizations, and corrections insti-  
10 tutions;

11 “(B) collect data and best practices in of-  
12 fender reentry from demonstration grantees and  
13 others agencies and organizations;

14 “(C) develop and disseminate evaluation  
15 tools, mechanisms, and measures to better as-  
16 sess and document coalition performance meas-  
17 ures and outcomes;

18 “(D) disseminate knowledge to States and  
19 other relevant entities about best practices, pol-  
20 icy standards, and research findings;

21 “(E) develop and implement procedures to  
22 assist relevant authorities in determining when  
23 release is appropriate and in the use of data to  
24 inform the release decision;

1           “(F) develop and implement procedures to  
2           identify efficiently and effectively those violators  
3           of probation or parole who should be returned  
4           to prison and those who should receive other  
5           penalties based on defined, graduated sanctions;

6           “(G) collaborate with the Federal task  
7           force established under the Enhanced Second  
8           Chance Act of 2007 and the Federal Resource  
9           Center for Children of Prisoners;

10          “(H) develop a national research agenda;  
11          and

12          “(I) bridge the gap between research and  
13          practice by translating knowledge from research  
14          into practical information.

15          “(4) HEADER.—Of amounts made available to  
16          carry out this section, not more than 4 percent shall  
17          be available to carry out this subsection.

18          “(n) ADMINISTRATION.—Of amounts made available  
19          to carry out this section, not more than 2 percent shall  
20          be available for administrative expenses in carrying out  
21          this section.”.

22          (d) AUTHORIZATION OF APPROPRIATIONS.—Section  
23          2976 of the Omnibus Crime Control and Safe Streets Act  
24          of 1968 (42 U.S.C. 3797w) is amended in subsection  
25          (o)(1), as redesignated by subsection (c), by striking “and



1 \$15,000,000 for fiscal year 2003” and all that follows  
2 through the end of the sentence and inserting  
3 “\$300,000,000 for fiscal year 2008, and \$300,000,000 for  
4 fiscal year 2009”.

5 **SEC. 3104. TASK FORCE ON FEDERAL PROGRAMS AND AC-**  
6 **TIVITIES RELATING TO REENTRY OF OF-**  
7 **FENDERS.**

8 (a) TASK FORCE REQUIRED.—The Attorney General,  
9 in consultation with the Secretary of Housing and Urban  
10 Development, the Secretary of Labor, the Secretary of  
11 Education, the Secretary of Health and Human Services,  
12 the Secretary of Agriculture, the Secretary of Veterans Af-  
13 fairs, and the heads of such other elements of the Federal  
14 Government as the Attorney General considers appro-  
15 priate, and in collaboration with stakeholders, service pro-  
16 viders, community-based organizations, States, territories,  
17 Indian tribes, and local governments, shall establish an  
18 interagency task force on programs and activities relating  
19 to the reentry of offenders into the community.

20 (b) DUTIES.—The task force established under sub-  
21 section (a) shall—

22 (1) identify such programs and activities that  
23 may result in overlapping or duplication of services,  
24 the scope of such overlapping or duplication, and the  
25 relationship of such overlapping and duplication to

1 public safety, public health, and effectiveness and ef-  
2 ficiency;

3 (2) identify methods to improve collaboration  
4 and coordination of such programs and activities;

5 (3) identify areas of responsibility in which im-  
6 proved collaboration and coordination of such pro-  
7 grams and activities would result in increased effec-  
8 tiveness or efficiency;

9 (4) develop innovative interagency or intergov-  
10 ernmental programs, activities, or procedures that  
11 would improve outcomes of reentering offenders and  
12 children of offenders;

13 (5) develop methods for increasing regular com-  
14 munication that would increase interagency program  
15 effectiveness;

16 (6) identify areas of research that can be co-  
17 ordinated across agencies with an emphasis on ap-  
18 plying science-based practices to support treatment  
19 and intervention programs for reentering offenders;

20 (7) identify funding areas that should be co-  
21 ordinated across agencies and any gaps in funding;  
22 and

23 (8) in conjunction with the National Adult and  
24 Juvenile Offender Reentry Resource Center, identify  
25 successful programs currently operating and collect

1 best practices in offender reentry from demonstra-  
2 tion grantees and other agencies and organizations,  
3 determine the extent to which such programs and  
4 practices can be replicated, and make information on  
5 such programs and practices available to States, lo-  
6 calities, community-based organizations, and others.

7 (c) REPORT.—Not later than 1 year after the date  
8 of enactment of this Act, the task force established under  
9 subsection (a) shall submit a report, including rec-  
10 ommendations, to Congress on barriers to reentry. The  
11 task force shall provide for public input in preparing the  
12 report. The report shall identify Federal and other bar-  
13 riers to successful reentry of offenders into the community  
14 and analyze the effects of such barriers on offenders and  
15 on children and other family members of offenders, includ-  
16 ing barriers to—

17 (1) parental incarceration as a consideration for  
18 purposes of family reunification under the Adoption  
19 and Safe Families Act of 1997;

20 (2) admissions in and evictions from Federal  
21 housing programs;

22 (3) child support obligations and procedures;

23 (4) Social Security benefits, veterans' benefits,  
24 food stamps, and other forms of Federal public as-  
25 sistance;

1           (5) Medicaid and Medicare procedures, require-  
2           ments, regulations, and guidelines;

3           (6) education programs, financial assistance,  
4           and full civic participation;

5           (7) TANF program funding criteria and other  
6           welfare benefits;

7           (8) employment;

8           (9) laws, regulations, rules, and practices that  
9           restrict Federal employment licensure and participa-  
10          tion in Federal contracting programs;

11          (10) reentry procedures, case planning, and the  
12          transition of persons from the custody of the Fed-  
13          eral Bureau of Prisons to a Federal parole or proba-  
14          tion program or community corrections;

15          (11) laws, regulations, rules, and practices that  
16          may require a parolee to return to the same county  
17          that the parolee was living in prior to his or her ar-  
18          rest, and the potential for changing such laws, regu-  
19          lations, rules, and practices so that a parolee may  
20          change his or her setting upon release, and not set-  
21          tle in the same location with persons who may be a  
22          negative influence; and

23          (12) prerelease planning procedures for pris-  
24          oners to ensure that a prisoner's eligibility for Fed-  
25          eral or State benefits (including Medicaid, Medicare,

1 Social Security, and veterans' benefits) upon release  
2 is established prior to release, subject to any limita-  
3 tions under the law, and the provision of referrals to  
4 appropriate social and health services or are linked  
5 to appropriate community-based organizations.

6 (d) ANNUAL REPORTS.—On an annual basis, the  
7 task force required by subsection (a) shall submit to Con-  
8 gress a report on the activities of the task force, including  
9 specific recommendations of the task force on matters re-  
10 ferred to in subsection (b).

11 **SEC. 3105. OFFENDER REENTRY RESEARCH.**

12 (a) NATIONAL INSTITUTE OF JUSTICE.—From  
13 amounts made available to carry out this subtitle, the Na-  
14 tional Institute of Justice may conduct research on of-  
15 fender reentry, including—

16 (1) a study identifying the number and charac-  
17 teristics of children who have had a parent incarcer-  
18 ated and the likelihood of these minors becoming in-  
19 volved in the criminal justice system some time in  
20 their lifetime;

21 (2) a study identifying a mechanism to compare  
22 rates of recidivism (including rearrest, violations of  
23 parole and probation, and reincarceration) among  
24 States; and

1           (3) a study on the population of individuals re-  
2       leased from custody who do not engage in recidivism  
3       and the characteristics (housing, employment, treat-  
4       ment, family connection) of that population.

5       (b) BUREAU OF JUSTICE STATISTICS.—From  
6       amounts made available to carry out this subtitle, the Bu-  
7       reau of Justice Statistics may conduct research on of-  
8       fender reentry, including—

9           (1) an analysis of special populations, including  
10      prisoners with mental illness or substance abuse dis-  
11      orders, female offenders, juvenile offenders, and the  
12      elderly, that present unique reentry challenges;

13          (2) studies to determine who is returning to  
14      prison or jail and which of those returning prisoners  
15      represent the greatest risk to community safety;

16          (3) annual reports on the profile of the popu-  
17      lation coming out of prisons, jails, and juvenile jus-  
18      tice facilities;

19          (4) a national recidivism study every 3 years;  
20      and

21          (5) a study of parole violations and revocations.

22 **SEC. 3106. CHILDREN OF INCARCERATED PARENTS AND**  
23 **FAMILIES.**

24       (a) INTAKE PROCEDURES AND EDUCATION PRO-  
25      GRAMS.—

1           (1) PILOT PROGRAM.—The Federal Bureau of  
2 Prisons shall, using amounts made available to carry  
3 out this subsection, carry out a pilot program to—

4           (A) collect information regarding the de-  
5 pendent children of an incarcerated person as  
6 part of standard intake procedures, including  
7 the number, age, and residence of such chil-  
8 dren;

9           (B) review all policies, practices, and facili-  
10 ties to ensure that, as appropriate to the health  
11 and well-being of the child, they support the re-  
12 lationship between family and child;

13           (C) identify the training needs of staff  
14 with respect to the impact of incarceration on  
15 children, families, and communities, age-appro-  
16 priate interactions, and community resources  
17 for the families of incarcerated persons; and

18           (D) take such steps as are necessary to en-  
19 courage State correctional agencies to imple-  
20 ment the requirements of subparagraphs (A)  
21 through (C).

22           (2) AUTHORIZATION OF APPROPRIATIONS.—  
23 There are authorized to be appropriated to carry out  
24 this subsection \$2,500,000 for each of fiscal years  
25 2008 and 2009.

1 (b) DUTIES OF SECRETARY.—The Secretary of  
2 Health and Human Services shall—

3 (1) review, and make available to States a re-  
4 port on any recommendations regarding, the role of  
5 State child protective services at the time of the ar-  
6 rest of a person; and

7 (2) by regulation, establish such services as the  
8 Secretary determines necessary, as appropriate to  
9 the health and well-being of any child involved, for  
10 the preservation of families that have been impacted  
11 by the incarceration of a family member.

12 **SEC. 3107. ENCOURAGEMENT OF EMPLOYMENT OF**  
13 **FORMER PRISONERS.**

14 The Secretary of Labor shall take such steps as are  
15 necessary to implement a program, including the Employ-  
16 ment and Training Administration, to educate employers  
17 about existing incentives, including bonding, to the hiring  
18 of former Federal, State, or county prisoners.

19 **SEC. 3108. FEDERAL RESOURCE CENTER FOR CHILDREN**  
20 **OF PRISONERS.**

21 There are authorized to be appropriated to the Sec-  
22 retary of Health and Human Services for each of fiscal  
23 years 2008 and 2009, such sums as may be necessary for  
24 the continuing activities of the Federal Resource Center  
25 for Children of Prisoners, including conducting a review



1 of the policies and practices of State and Federal correc-  
 2 tions agencies to support parent-child relationships, as ap-  
 3 propriate for the health and well-being of the child.

4 **SEC. 3109. ELIMINATION OF AGE REQUIREMENT FOR REL-**  
 5 **ATIVE CAREGIVER UNDER NATIONAL FAMILY**  
 6 **CAREGIVER SUPPORT PROGRAM.**

7 Section 372 of the National Family Caregiver Sup-  
 8 port Act (part E of title III of the Older Americans Act  
 9 of 1965; 42 U.S.C. 3030s) is amended in paragraph (3)  
 10 by striking “who is 60 years of age or older and—” and  
 11 inserting “who—”.

12 **SEC. 3110. CLARIFICATION OF AUTHORITY TO PLACE PRIS-**  
 13 **ONER IN COMMUNITY CORRECTIONS.**

14 Section 3624(c) of title 18, United States Code, is  
 15 amended to read as follows:

16 “(c) PRERELEASE CUSTODY.—

17 “(1) IN GENERAL.—The Bureau of Prisons  
 18 shall, to the extent practicable, assure that a pris-  
 19 oner serving a term of imprisonment spends a rea-  
 20 sonable part of the final portion of the term to be  
 21 served, not to exceed 1 year, under conditions that  
 22 will afford the prisoner a reasonable opportunity to  
 23 adjust to and prepare for the prisoner’s reentry into  
 24 the community. Such conditions may include a com-  
 25 munity correctional facility.

1           “(2) AUTHORITY.—This subsection authorizes  
2           the Bureau of Prisons to place a prisoner in home  
3           confinement for the last 10 percent of the term to  
4           be served, not to exceed 6 months.

5           “(3) ASSISTANCE.—The United States Probation  
6           System shall, to the extent practicable, offer assistance  
7           to a prisoner during such prerelease custody.  
8           tody.

9           “(4) NO LIMITATIONS.—Nothing in this subsection  
10          shall be construed to limit or restrict the authority  
11          of the Bureau of Prisons granted under section  
12          3621 of this title.”.

13 **SEC. 3111. USE OF VIOLENT OFFENDER TRUTH-IN-SEN-**  
14 **TENCING GRANT FUNDING FOR DEMONSTRATION PROJECT ACTIVITIES.**  
15

16          Section 20102(a) of the Violent Crime Control and  
17          Law Enforcement Act of 1994 (42 U.S.C. 13702(a)) is  
18          amended—

19               (1) in paragraph (2), by striking “and” at the  
20          end;

21               (2) in paragraph (3), by striking the period at  
22          the end and inserting “; and”; and

23               (3) by adding at the end the following:

24                       “(4) to carry out any activity referred to in  
25          subsections (b) and (c) of section 2976 of the Omni-

1 bus Crime Control and Safe Streets Act of 1968 (42  
2 U.S.C. 3797w(b)–(c)).”.

3 **SEC. 3112. GRANTS TO STUDY PAROLE OR POST INCARCER-**  
4 **ATION SUPERVISION VIOLATIONS AND REV-**  
5 **OCATIONS.**

6 (a) GRANTS AUTHORIZED.—From amounts made  
7 available to carry out this section, the Attorney General  
8 may award grants to States to study, and to improve the  
9 collection of data with respect to, individuals whose parole  
10 or post-incarceration supervision is revoked and which  
11 such individuals represent the greatest risk to community  
12 safety.

13 (b) APPLICATION.—As a condition of receiving a  
14 grant under this section, a State shall—

15 (1) certify that the State has, or intends to es-  
16 tablish, a program that collects comprehensive and  
17 reliable data with respect to individuals described in  
18 subsection (a), including data on—

19 (A) the number and type of parole or post-  
20 incarceration supervision violations that occur  
21 within the State;

22 (B) the reasons for parole or post-incarcer-  
23 ation supervision revocation;

24 (C) the underlying behavior that led to the  
25 revocation; and

1 (D) the term of imprisonment or other  
2 penalty that is imposed for the violation; and

3 (2) provide the data described in paragraph (1)  
4 to the Bureau of Justice Statistics, in a form pre-  
5 scribed by the Bureau.

6 (c) AUTHORIZATION OF APPROPRIATIONS.—There  
7 are authorized to be appropriated to carry out this section  
8 \$1,000,000 for each of fiscal years 2008 and 2009.

9 **SEC. 3113. REAUTHORIZATION OF RESIDENTIAL SUB-**  
10 **STANCE ABUSE TREATMENT FOR STATE**  
11 **PRISONERS PROGRAM.**

12 (a) IN GENERAL.—The Omnibus Crime Control and  
13 Safe Streets Act of 1968 (42 U.S.C. 3701 et seq.) is  
14 amended by inserting after section 1905 the following:

15 **“SEC. 1906. AUTHORIZATION OF APPROPRIATIONS.**

16 “There are authorized to be appropriated  
17 \$30,000,000 to carry out the purposes of this part for  
18 each of fiscal years 2008 through 2012.”.

19 (b) IMPROVEMENTS TO PROGRAM.—Section 1902 of  
20 the Omnibus Crime Control and Safe Streets Act of 1968  
21 (42 U.S.C. 3796ff–1) is amended—

22 (1) in subsection (c)—

23 (A) in the subsection heading, by striking  
24 “Eligibility for Preference With” and inserting  
25 “Requirement for”;

1 (B) by striking paragraph (1) and insert-  
2 ing the following:

3 “(1) To be eligible for funding under this part,  
4 a State shall ensure that individuals who participate  
5 in the evidence-based substance abuse treatment  
6 program established or implemented with assistance  
7 provided under this part will be provided with  
8 aftercare services.”; and

9 (C) by adding at the end the following:

10 “(4) Aftercare services required under para-  
11 graph (1) shall be funded by amounts made avail-  
12 able under this part.”;

13 (2) by redesignating subsections (c) through (f)  
14 as (d) through (g), respectively; and

15 (3) by inserting after subsection (b) the fol-  
16 lowing:

17 “(c) DEFINITION OF RESIDENTIAL SUBSTANCE  
18 ABUSE TREATMENT.—The term ‘residential substance  
19 abuse treatment’ means a course of evidence-based indi-  
20 vidual and group activities and treatment, lasting not less  
21 than 6 months, in residential treatment facilities set apart  
22 from the general prison population. Such treatment can  
23 include the use of pharmacotherapies, where appropriate,  
24 that may be administered for more than 6 months.”.

1 **SEC. 3114. REAUTHORIZATION OF SUBSTANCE ABUSE**  
2 **TREATMENT PROGRAM UNDER TITLE 18.**

3 Section 3621(e) of title 18, United States Code, is  
4 amended—

5 (1) by striking paragraph (4) and inserting the  
6 following:

7 “(4) AUTHORIZATION OF APPROPRIATIONS.—

8 There are authorized to be appropriated  
9 \$30,000,000 to carry out this subsection for each of  
10 fiscal years 2008 through 2012.”; and

11 (2) in paragraph (5), by striking subparagraph  
12 (A) and inserting the following:

13 “(A) the term ‘residential substance abuse  
14 treatment’ means a course of evidence-based in-  
15 dividual and group activities and treatment,  
16 lasting not less than 6 months, in residential  
17 treatment facilities set apart from the general  
18 prison population, and such treatment can in-  
19 clude the use of pharmacotherapies, where ap-  
20 propriate, that may be administered for more  
21 than 6 months;”.

1 **SEC. 3115. REMOVAL OF LIMITATION ON AMOUNT OF**  
2 **FUNDS AVAILABLE FOR CORRECTIONS EDU-**  
3 **CATION PROGRAMS UNDER THE ADULT EDU-**  
4 **CATION AND FAMILY LITERACY ACT.**

5 (a) IN GENERAL.—Section 222(a)(1) of the Adult  
6 Education and Family Literacy Act (20 U.S.C.  
7 9222(a)(1)) is amended by striking “, of which not more  
8 than 10 percent” and inserting “of which not less than  
9 10 percent”.

10 (b) REPORT.—Not later than 180 days after the date  
11 of enactment of this Act, the Secretary of Education shall  
12 submit to Congress a report on the use of literacy funds  
13 to correctional intuitions, as defined in section 225(d)(2)  
14 of the Adult Education and Family Literacy Act (20  
15 U.S.C. 9224(d)(2)). The report shall specify the amount  
16 of literacy funds that are provided to each category of cor-  
17 rectional institution in each State, and identify whether  
18 funds are being sufficiently allocated among the various  
19 types of institutions.

20 **SEC. 3116. MENTORING GRANTS TO COMMUNITY-BASED OR-**  
21 **GANIZATIONS.**

22 (a) AUTHORITY TO MAKE GRANTS.—From amounts  
23 made available under this section, the Secretary of Labor  
24 shall make grants to community-based organizations for  
25 the purpose of providing mentoring and other transitional

1 services essential to reintegrating ex-offenders and incar-  
2 cerated persons into society.

3 (b) USE OF FUNDS.—Grant funds awarded under  
4 subsection (a) may be used for—

5 (1) mentoring adult and juvenile offenders; and

6 (2) transitional services to assist in the re-  
7 integration of ex-offenders into the community.

8 (c) APPLICATION.—To be eligible to receive a grant  
9 under this section, a community-based organization shall  
10 submit an application to the Secretary of Labor, based  
11 upon criteria developed by the Secretary of Labor in con-  
12 sultation with the Attorney General and the Secretary of  
13 Housing and Urban Development.

14 (d) STRATEGIC PERFORMANCE OUTCOMES.—The  
15 Secretary of Labor may require each applicant to identify  
16 specific performance outcomes related to the long-term  
17 goal of stabilizing communities by reducing recidivism and  
18 reintegrating ex-offenders and incarcerated persons into  
19 society.

20 (e) AUTHORIZATION OF APPROPRIATIONS.—There  
21 are authorized to be appropriated to carry out this section  
22 \$25,000,000 for each of fiscal years 2008 and 2009.



1 **SEC. 3117. GROUP HOMES FOR RECOVERING SUBSTANCE**  
2 **ABUSERS.**

3 Section 1925 of the Public Health Service Act (42  
4 U.S.C. 300x-25) is amended—

5 (1) in subsection (a)(4), by striking “\$4,000”  
6 and inserting “\$6,000”; and

7 (2) by adding at the end the following:

8 “(d) RECOVERY HOME OUTREACH WORKERS.—

9 “(1) IN GENERAL.—The Secretary shall award  
10 a grant to an eligible entity to enable such entity to  
11 establish group homes for recovering substance  
12 abusers in accordance with this section.

13 “(2) ELIGIBILITY.—To be eligible to receive a  
14 grant under paragraph (1), an entity shall—

15 “(A) be a national nonprofit organization  
16 that has established at least 500 self-adminis-  
17 tered, self-supported substance abuse recovery  
18 homes; and

19 “(B) prepare and submit to the Secretary  
20 an application at such time, in such manner,  
21 and containing such information as the Sec-  
22 retary may require.

23 “(3) USE OF FUNDS.—An entity shall use  
24 amounts received under the grant under paragraph  
25 (1) to—

1           “(A) establish group homes for recovering  
2 substance abusers that conform to the require-  
3 ments of subparagraphs (A) through (D) of  
4 subsection (a)(6), through activities including—

5                   “(i) locating a suitable facility to use  
6 as the group home;

7                   “(ii) the execution of a lease for the  
8 use of such home; and

9                   “(iii) obtaining a charter for the oper-  
10 ation of such home from a national non-  
11 profit organization;

12           “(B) recruit recovering substance abusers  
13 to reside in the group home by working with  
14 criminal justice officials and substance abuse  
15 treatment providers, including through activities  
16 targeting individuals being released from incar-  
17 ceration; and

18           “(C) carry out other activities related to  
19 establishing a group home for recovering sub-  
20 stance abusers.

21           “(4) AUTHORIZATION OF APPROPRIATIONS.—  
22 There are authorized to be appropriated to carry out  
23 this subsection, \$3,000,000 for each of fiscal years  
24 2008 through 2009. Amounts appropriated under

1       this paragraph shall be in addition to amounts oth-  
2       erwise appropriated to carry out this subpart.”.

3   **SEC. 3118. IMPROVED REENTRY PROCEDURES FOR FED-**  
4       **ERAL PRISONERS.**

5       (a) GENERAL REENTRY PROCEDURES.—The Depart-  
6   ment of Justice shall take such steps as are necessary to  
7   modify existing procedures and policies to enhance case  
8   planning and to improve the transition of persons from  
9   the custody of the Bureau of Prisons to the community,  
10  including placement of such individuals in community cor-  
11  rections facilities.

12      (b) PROCEDURES REGARDING BENEFITS.—The Bu-  
13  reau of Prisons shall establish prerelease planning proce-  
14  dures for Federal prisoners to ensure that a prisoner’s eli-  
15  gibility for Federal or State benefits (including Medicaid,  
16  Medicare, Social Security, and veterans’ benefits) upon re-  
17  lease is established prior to release, subject to any limita-  
18  tions in law. The Bureau shall also coordinate with in-  
19  mates to ensure that inmates have medical appointments  
20  scheduled and have plans to secure needed and sufficient  
21  medications, particularly with regard to the treatment of  
22  mental illness. The Bureau shall provide each ex-offender  
23  released from Federal prisons information on how the re-  
24  entering offender can restore voting rights, and other civil  
25  or civic rights, denied to the reentering offender based

1 upon their offender status in the State to which that reen-  
2 tering offender shall be returning. This information shall  
3 be provided to each reentering offender in writing, and in  
4 a language that the reentering offender can understand.

5 **SEC. 3119. FAMILY UNIFICATION IN PUBLIC HOUSING.**

6 Section 576 of the Quality Housing and Work Re-  
7 sponsibility Act of 1988 (Public Law 105–276; 42 U.S.C.  
8 13661) is amended—

9 (1) by striking subsection (c) and inserting the  
10 following:

11 “(c) **AUTHORITY TO DENY ADMISSION TO CRIMINAL**  
12 **OFFENDERS.**—

13 “(1) **IN GENERAL.**—Except as provided in sub-  
14 sections (a) and (b) of this section and in addition  
15 to any other authority to screen applicants, in select-  
16 ing among applicants for admission to the program  
17 or to federally assisted housing, if the public housing  
18 agency or owner of such housing, as applicable, de-  
19 termines that an applicant or any member of the ap-  
20 plicant’s household is engaged in or was convicted  
21 of, during a reasonable time preceding the date  
22 when the applicant household would otherwise be se-  
23 lected for admission, any drug-related or violent  
24 criminal activity or other criminal activity which  
25 would adversely affect the health, safety, or right to

1 peaceful enjoyment of the premises by other resi-  
2 dents, the owner, or public housing agency employ-  
3 ees, the public housing agency or owner may—

4 “(A) deny such applicant admission to the  
5 program or to federally assisted housing; and

6 “(B) after the expiration of the reasonable  
7 period beginning upon such activity, require the  
8 applicant, as a condition of admission to the  
9 program or to federally assisted housing, to  
10 submit to the public housing agency or owner  
11 evidence sufficient (as the Secretary shall by  
12 regulation provide) to ensure that the individual  
13 or individuals in the applicant’s household who  
14 engaged in criminal activity for which denial  
15 was made under paragraph (1) have not en-  
16 gaged in any criminal activity during such rea-  
17 sonable period.

18 “(2) CONSIDERATION OF REHABILITATION.—In  
19 determining whether, pursuant to paragraph (1), to  
20 deny admission to the program or federally assisted  
21 housing to any household, a public housing agency  
22 or an owner shall, prior to an initial denial of eligi-  
23 bility, consider the following factors:

24 “(A) The effect of denial on the applicant’s  
25 family, particularly minor children.

1           “(B) Whether such household member has  
2 successfully completed a supervised drug or al-  
3 cohol rehabilitation program (as applicable) and  
4 is no longer engaging in the illegal use of a con-  
5 trolled substance or abuse of alcohol (as appli-  
6 cable) to the extent that such use would con-  
7 stitute a threat to the health, safety, or well-  
8 being of other residents.

9           “(C) Whether such household member has  
10 otherwise been rehabilitated successfully and is  
11 no longer engaging in the illegal use of a con-  
12 trolled substance or abuse of alcohol (as appli-  
13 cable) to the extent that such use would con-  
14 stitute a threat to the health, safety, or well-  
15 being of other residents.

16           “(D) Whether such household member is  
17 participating in a supervised drug or alcohol re-  
18 habilitation program (as applicable) and is no  
19 longer engaging in the illegal use of a controlled  
20 substance or abuse of alcohol (as applicable) to  
21 the extent that such use would constitute a  
22 threat to the health, safety, or well-being of  
23 other residents.

24           “(E) Other mitigating circumstances such  
25 as—

1                   “(i) the applicant’s involvement in the  
2                   community;

3                   “(ii) the applicant’s enrollment in or  
4                   completion of a job training program;

5                   “(iii) the employment status of the  
6                   applicant;

7                   “(iv) any other circumstances which  
8                   reflect the efforts the applicant has made  
9                   toward rehabilitation; and

10                  “(v) the availability of other housing  
11                  options.”; and

12                  (2) by adding at the end the following:

13                  “(d) **CONDITIONAL ELIGIBILITY.**—A public housing  
14                  agency or owner of such housing may condition an appli-  
15                  cant’s or a households’ eligibility for federally assisted  
16                  housing on the participation of the applicant, or a member  
17                  of the applicant’s household, in a supervised rehabilitation  
18                  program, or other appropriate social services.”.

1 **Subtitle B—Commission To Study**  
2 **Alternatives to Incarceration of**  
3 **Non-Violent Mentally Ill Offend-**  
4 **ers Act of 2007**

5 **SEC. 3201. SHORT TITLE.**

6 This subtitle may be cited as the “Commission to  
7 Study Alternatives to Incarceration of Non-Violent Men-  
8 tally Ill Offenders Act of 2007”.

9 **SEC. 3202. FINDINGS.**

10 Congress finds the following:

11 (1) A Bureau of Justice Statistics report from  
12 September 2006, entitled “Mental Health Problems  
13 of Prison and Jail Inmates”, found that more than  
14 50 percent of all prison and jail inmates had a men-  
15 tal health problem, including 705,600 inmates in  
16 State prisons, 78,800 in Federal prisons, and  
17 479,900 in local jails.

18 (2) Fifty-six percent of State prisoners, 45 per-  
19 cent of Federal prisoners, and 64 percent of jail in-  
20 mates were found to have a mental health problem.

21 (3) Twenty-four percent of jail inmates and 15  
22 percent of State prisoners “reported symptoms that  
23 met the criteria for a psychotic disorder”.

24 (4) Female inmates had higher rates of mental  
25 health problems than male inmates, specifically in



1 State prisons, 73 percent of females and 55 percent  
2 of males reported mental health problems and in  
3 local jails, 75 percent of females and 63 percent of  
4 males reported mental health problems.

5 (5) Thirteen percent of State prisoners who had  
6 a mental health problem were homeless in the year  
7 before their arrest, twice the percentage of State  
8 prisoners that did not have a mental health problem  
9 who were homeless in the year before their arrest.

10 (6) Twenty-four percent of jail inmates who had  
11 a mental health problem reported being physically or  
12 sexually abused in the past, which is 3 times the  
13 percentage of jail inmates without a mental health  
14 problem reporting such abuse.

15 (7) Twenty percent of State prisoners who had  
16 a mental health problem were injured in a fight  
17 after being incarcerated, twice the percentage of  
18 State prisoners without a mental health problem  
19 who were injured in a fight after being incarcerated.

20 (8) The National Association of Counties unani-  
21 mously adopted a resolution in 2006, calling for the  
22 creation of a national commission to study and make  
23 recommendations on the jailing of the nonviolent  
24 mentally ill in county jails and State prisons. In  
25 passing this resolution, the National Association of

1 Counties pointed out that “The nation’s local jails  
2 are increasingly becoming the dumping grounds for  
3 the mentally ill.”.

4 (9) The National Association of Counties has  
5 emphasized the importance of including on the na-  
6 tional commission described in paragraph (8) rep-  
7 resentatives of organizations that represent govern-  
8 ments and government agencies, including represent-  
9 atives from organizations such as the National Asso-  
10 ciation of Cities, the National League of Cities, the  
11 United States Conference of Mayors, the Council of  
12 State Governments, the National Conference of  
13 State Legislatures, the National Governors Associa-  
14 tion, and the International City/County Management  
15 Association and a representative from the Office of  
16 Management and Budget.

17 (10) Other groups, including the National Sher-  
18 iffs’ Association, the National District Attorneys As-  
19 sociation, the American Psychiatric Association, the  
20 National Association of Country Behavioral and De-  
21 velopment Disability Directors, and the American  
22 Correctional Association all support the creation of  
23 the national commission described in paragraph (8).

1 **SEC. 3203. NATIONAL COMMISSION ON INMATES WITH MEN-**  
2 **TAL ILLNESS.**

3 (a) ESTABLISHMENT.—Not later than 3 months after  
4 the date of enactment of this Act, the Attorney General  
5 of the United States shall establish a commission to study  
6 the jailing of nonviolent offenders with mental illness and  
7 to make recommendations to all levels of government for  
8 the most appropriate way to deal with these offenders (in  
9 this subtitle referred to as the “Commission”).

10 (b) MEMBERSHIP.—

11 (1) IN GENERAL.—The Attorney General shall  
12 appoint the members of the Commission.

13 (2) MEMBERS.—The Commission shall in-  
14 clude—

15 (A) representatives from agencies of the  
16 Federal Government with criminal justice,  
17 health, housing, employment or social service  
18 responsibilities, including—

19 (i) the Substance Abuse and Mental  
20 Health Services Administration;

21 (ii) the Department of Housing and  
22 Urban Development;

23 (iii) the Bureau of Justice Assistance  
24 of the Department of Justice;

25 (iv) the Bureau of Justice Statistics  
26 of the Department of Justice;

1 (v) the National Institute of Justice of  
2 the Department of Justice; and

3 (vi) the Department of Labor;

4 (B) representatives of general purpose gov-  
5 ernment and national organizations rep-  
6 resenting key constituencies at the local and  
7 State level, such as—

8 (i) the National Governors' Associa-  
9 tion;

10 (ii) the National League of Cities;

11 (iii) the National Association of Coun-  
12 ties;

13 (iv) the National Conference of State  
14 Legislatures;

15 (v) the Council of State Governments;

16 (vi) the National Sheriffs' Association;

17 (vii) the National District Attorneys  
18 Association;

19 (viii) the National Association of  
20 County Health Officials;

21 (ix) the National Association of Coun-  
22 ty Behavioral Health Directors;

23 (x) the National GAINS Center;

24 (xi) the National Commission on Cor-  
25 rectional Health Care;

- 1 (xii) the National Association of Drug
- 2 Court Professionals;
- 3 (xiii) the National Mental Health As-
- 4 sociation;
- 5 (xiv) the National Alliance on Mental
- 6 Illness;
- 7 (xv) the American Psychological Asso-
- 8 ciation;
- 9 (xvi) the American Psychiatric Asso-
- 10 ciation;
- 11 (xvii) the International Association of
- 12 Chiefs of Police;
- 13 (xviii) the Police Executive Research
- 14 Forum;
- 15 (xix) the American Probation and Pa-
- 16 role Association;
- 17 (xx) the American Bar Association;
- 18 (xxi) the American Jail Association;
- 19 (xxii) the National Association of
- 20 State Alcohol and Drug Abuse Directors;
- 21 (xxiii) the Judge David Bazelon Cen-
- 22 ter for Mental Health Law;
- 23 (xxiv) the Partners in Crisis of Amer-
- 24 ica;

1                   (xxv) the American Correctional Asso-  
2                   ciation; and

3                   (xxvi) the National Institute of Cor-  
4                   rections;

5                   (C) members of community-based groups  
6                   working with the mentally ill;

7                   (D) representatives of victims rights  
8                   groups; and

9                   (E) representatives of other organizations  
10                  or entities, as determined by the Attorney Gen-  
11                  eral.

12       (c) PERIOD OF APPOINTMENT; VACANCIES.—Mem-  
13       bers shall be appointed for the life of the Commission. Any  
14       vacancy in the Commission shall not affect its powers.

15       (d) INITIAL MEETING.—Not later than 30 days after  
16       the date on which all members of the Commission have  
17       been appointed, the Commission shall hold its first meet-  
18       ing.

19       (e) MEETINGS.—The Commission shall meet at the  
20       call of the Chairman.

21       (f) QUORUM.—A majority of the members of the  
22       Commission shall constitute a quorum, but a lesser num-  
23       ber of members may hold hearings.

1 (g) CHAIRMAN AND VICE CHAIRMAN.—The Commis-  
2 sion shall select a Chairman and Vice Chairman from  
3 among its members.

4 **SEC. 3204. REPORTING.**

5 (a) IN GENERAL.—Not later than 1 year after the  
6 date of enactment of this Act, the Commission shall sub-  
7 mit a report to the Committee on the Judiciary and the  
8 Committee on Appropriations of the Senate and the Com-  
9 mittee on the Judiciary and the Committee on Appropria-  
10 tions of the House of Representatives, the Governor of  
11 each State, and any agency, association, or entity partici-  
12 pating on the Commission regarding nonviolent offenders  
13 with mental illness. The report shall also be made avail-  
14 able on the Internet.

15 (b) CONTENTS.—The report submitted under sub-  
16 section (a) shall—

17 (1) address how the various levels of govern-  
18 ment can work together effectively on dealing appro-  
19 priately with nonviolent offenders with mental ill-  
20 ness, including recommendations, if any, regarding  
21 how the Federal Government can assist State and  
22 local governments in dealing with such offenders;

23 (2) identify best practices regarding nonviolent  
24 offenders with mental illness;

1           (3) discuss the appropriateness of housing non-  
2       violent, mentally ill offenders in jails and prisons,  
3       and identify alternatives to such housing;

4           (4) identify special challenges faced by mentally  
5       ill offenders while in prisons and jails, including  
6       being involved in physical altercations;

7           (5) describe the causes of the increase of men-  
8       tally ill offenders; and

9           (6) discuss the role mental illness plays in re-  
10      cidivism.

11   **SEC. 3205. POWERS OF THE COMMISSION.**

12       (a) HEARINGS.—The Commission may hold such  
13      hearings, sit and act at such times and places, take such  
14      testimony, and receive such evidence as the Commission  
15      considers advisable to carry out this subtitle.

16       (b) INFORMATION FROM FEDERAL AGENCIES.—The  
17      Commission may secure directly from any Federal depart-  
18      ment or agency such information as the Commission con-  
19      siders necessary to carry out this subtitle. Upon request  
20      of the Chairman of the Commission, the head of such de-  
21      partment or agency shall furnish such information to the  
22      Commission.

23       (c) POSTAL SERVICES.—The Commission may use  
24      the United States mails in the same manner and under



1 the same conditions as other departments and agencies of  
2 the Federal Government.

3 (d) GIFTS.—The Commission may accept, use, and  
4 dispose of gifts or donations of services or property.

5 **SEC. 3206. COMMISSION PERSONNEL MATTERS.**

6 (a) COMPENSATION OF MEMBERS.—Each member of  
7 the Commission who is not an officer or employee of the  
8 Federal Government shall be compensated at a rate equal  
9 to the daily equivalent of the annual rate of basic pay pre-  
10 scribed for level IV of the Executive Schedule under sec-  
11 tion 5315 of title 5, United States Code, for each day (in-  
12 cluding travel time) during which such member is engaged  
13 in the performance of the duties of the Commission. All  
14 members of the Commission who are officers or employees  
15 of the United States shall serve without compensation in  
16 addition to that received for their services as officers or  
17 employees of the United States.

18 (b) TRAVEL EXPENSES.—The members of the Com-  
19 mission shall be allowed travel expenses, including per  
20 diem in lieu of subsistence, at rates authorized for employ-  
21 ees of agencies under subchapter I of chapter 57 of title  
22 5, United States Code, while away from their homes or  
23 regular places of business in the performance of services  
24 for the Commission.

25 (c) STAFF.—

1           (1) IN GENERAL.—The Chairman of the Com-  
2 mission may, without regard to the civil service laws  
3 and regulations, appoint and terminate an executive  
4 director and such other additional personnel as may  
5 be necessary to enable the Commission to perform  
6 its duties. The employment of an executive director  
7 shall be subject to confirmation by the Commission.

8           (2) COMPENSATION.—The Chairman of the  
9 Commission may fix the compensation of the execu-  
10 tive director and other personnel without regard to  
11 chapter 51 and subchapter III of chapter 53 of title  
12 5, United States Code, relating to classification of  
13 positions and General Schedule pay rates, except  
14 that the rate of pay for the executive director and  
15 other personnel may not exceed the rate payable for  
16 level V of the Executive Schedule under section 5316  
17 of such title.

18       (d) DETAIL OF GOVERNMENT EMPLOYEES.—Any  
19 Federal Government employee may be detailed to the  
20 Commission without reimbursement, and such detail shall  
21 be without interruption or loss of civil service status or  
22 privilege.

23       (e) PROCUREMENT OF TEMPORARY AND INTERMIT-  
24 TENT SERVICES.—The Chairman of the Commission may  
25 procure temporary and intermittent services under section

1 3109(b) of title 5, United States Code, at rates for individ-  
 2 uals which do not exceed the daily equivalent of the annual  
 3 rate of basic pay prescribed for level V of the Executive  
 4 Schedule under section 5316 of such title.

5 **SEC. 3207. TERMINATION OF THE COMMISSION.**

6 The Commission shall terminate 90 days after the  
 7 date on which the Commission submits its report under  
 8 section 3204.

9 **SEC. 3208. AUTHORIZATION OF APPROPRIATIONS.**

10 (a) IN GENERAL.—There are authorized to be appro-  
 11 priated to the Commission \$3,000,000 for each of fiscal  
 12 years 2008 and 2009 to carry out this subtitle.

13 (b) AVAILABILITY.—Any sums appropriated under  
 14 the authorization contained in this section shall remain  
 15 available, without fiscal year limitation, until expended.

16 **TITLE IV—PROTECTING**  
 17 **CHILDREN**  
 18 **Subtitle A—Combating Child**  
 19 **Exploitation Act of 2007**

20 **SEC. 4101. SHORT TITLE.**

21 This subtitle may be cited as the “Combating Child  
 22 Exploitation Act of 2007”.

23 **SEC. 4102. FINDINGS.**

24 Congress finds the following:

1           (1) The Internet has facilitated the growth of  
2           a multi-billion dollar global market for images and  
3           video of children being sexually-displayed, raped, and  
4           tortured, far exceeding law enforcement's capacity to  
5           respond at the Federal, State, and local level.

6           (2) The explosion of child pornography traf-  
7           ficking is claiming very young victims. Research by  
8           the Department of Justice, the University of New  
9           Hampshire, and the National Center for Missing  
10          and Exploited Children indicates that among those  
11          arrested for possession of child pornography, 83 per-  
12          cent have images of children 6–12 years old, 39 per-  
13          cent have images of children 3–5 years old, and 19  
14          percent have images of children under the age of 3  
15          years old.

16          (3) The images and videos being trafficked typi-  
17          cally depict sexual assaults that are both graphic  
18          and brutal. The same research indicates that 80 per-  
19          cent of known child pornography possessors have im-  
20          ages of children being sexually penetrated and 21  
21          percent have images depicting children bound,  
22          gagged, blindfolded, or “otherwise enduring sadistic  
23          sex.” Just 1 percent restricted their collecting to im-  
24          ages of simple child nudity.

1           (4) Millions of American children and teens are  
2       at risk from sexual predators who are hunting,  
3       stalking, and luring minors online. Along with the  
4       incredible access to the world offered our children by  
5       the Internet, the Internet also offers the world ac-  
6       cess to our children.

7           (5) The Internet Crimes Against Children Task  
8       Force program (“ICAC Program”) of the Depart-  
9       ment of Justice has identified millions of child por-  
10      nography transactions involving images and video of  
11      child sexual assault from millions of computer IP  
12      addresses worldwide.

13          (6) The ICAC Program has been highly suc-  
14      cessful in creating and sustaining an emerging na-  
15      tional network of 46 Federal, State, and local task  
16      forces, which form the backbone of America’s na-  
17      tional readiness to combat child exploitation.

18          (7) In testimony before Congress, law enforce-  
19      ment experts have expressed consensus that lack of  
20      dedicated forensic analysis capacity is a severe prob-  
21      lem at the Federal, State, and local level, severely  
22      limiting the number of predators that can be inter-  
23      dicted and children that can be identified and res-  
24      cued.

1           (8) The Federal Bureau of Investigation, the  
2           Department of Immigrations and Customs Enforce-  
3           ment, and the United States Postal Inspection Serv-  
4           ice have each developed highly specialized and suc-  
5           cessful child exploitation investigative capabilities,  
6           yet these agencies have testified to Congress that  
7           they must triage the overwhelming number of child  
8           exploitation crimes and cannot investigate a large  
9           percentage of known crimes.

10          (9) Child pornography and online child entice-  
11          ment crimes have among the highest conviction rates  
12          of any child sexual offense, and the Department of  
13          Justice funded research indicates that the majority  
14          of child pornography offenders have committed or  
15          attempted direct sexual contact offenses against chil-  
16          dren. Investigating and prosecuting these predators  
17          is thus one of the most concrete and measurable  
18          strategies for the prevention of future child sexual  
19          abuse.

20   **SEC. 4103. DEFINITIONS.**

21          In this subtitle, the following definitions shall apply:

22          (1) **CHILD EXPLOITATION.**—The term “child  
23          exploitation” means any conduct, or an attempt or  
24          conspiracy to commit such conduct, constituting  
25          criminal sexual abuse of a minor, sexual exploitation

1 of a minor, abusive sexual contact of a minor, sexu-  
 2 ally explicit conduct with a minor, or any similar of-  
 3 fense under Federal or State law.

4 (2) MINOR.—The term “minor” means any per-  
 5 son under the age of 18 years.

6 (3) SEXUALLY EXPLICIT CONDUCT.—The term  
 7 “sexually explicit conduct” has the meaning as in  
 8 section 2256 of title 18, United States Code.

9 **PART I—SPECIAL COUNSEL FOR CHILD**

10 **EXPLOITATION PREVENTION AND INTERDICTION**

11 **SEC. 4111. ESTABLISHMENT OF SPECIAL COUNSEL FOR**

12 **CHILD EXPLOITATION PREVENTION AND**

13 **INTERDICTION.**

14 (a) IN GENERAL.—The Attorney General shall ap-  
 15 point a Special Counsel for Child Exploitation Prevention  
 16 and Interdiction within the Office of the Deputy Attorney  
 17 General.

18 (b) DUTIES OF THE SPECIAL COUNSEL.—The Spe-  
 19 cial Counsel appointed under subsection (a) shall have the  
 20 following duties:

21 (1) Coordinating the policies and strategies of  
 22 the Department of Justice related to the prevention  
 23 and investigation of child exploitation cases, includ-  
 24 ing the policies and strategies of the Office of Jus-  
 25 tice Programs, the Criminal Division of the Depart-

1       ment of Justice, the Executive Office of United  
2       States Attorneys, the Federal Bureau of Investiga-  
3       tion, and any other agency or bureau of the Depart-  
4       ment of Justice whose activities relate to child ex-  
5       ploitation cases.

6           (2) Pursuing memorandums of understanding  
7       or other interagency agreements related to the pre-  
8       vention, investigation, and apprehension of individ-  
9       uals exploiting children, including seeking coopera-  
10      tion and collaboration with—

11           (A) the Bureau of Immigration and Cus-  
12      toms Enforcement;

13           (B) the Department of State;

14           (C) the Department of Commerce;

15           (D) the Department of Education; and

16           (E) other Federal agencies.

17           (3) Directing and overseeing the ICAC Task  
18      Force Program established under section 4112.

19           (4) Directing and overseeing the National Inter-  
20      net Crimes Against Children Data Network Center  
21      established under section 4115.

22           (5) Directing and overseeing the ICAC grant  
23      program established under section 4116.

24           (6) Coordinating technical assistance to Fed-  
25      eral, State, local, and tribal law enforcement agen-



1       cies in the prevention, investigation, and prosecution  
2       of child exploitation crimes.

3           (7) Coordinating training to Federal, State,  
4       local, and tribal law enforcement agencies in the pre-  
5       vention, investigation, and prosecution of child ex-  
6       ploitation crimes.

7           (8) Coordinating training and technical assist-  
8       ance to Federal, State, local, and tribal on forensic  
9       computer examination and analysis.

10          (9) Directing and overseeing programs for child  
11       exploitation prevention and education, including pro-  
12       grams related to Internet safety.

13          (10) Maintaining liaison with the judicial  
14       branches of the Federal and State Governments on  
15       matters relating to child exploitation.

16          (11) Providing information to the President,  
17       the Congress, the judiciary, State, local, and tribal  
18       governments, and the general public on matters re-  
19       lating to child exploitation.

20          (12) Serving, at the request of the Attorney  
21       General, as the representative of the Department of  
22       Justice on domestic task forces, committees, or com-  
23       missions addressing policy or issues relating to child  
24       exploitation.

1           (13) Serving, at the request of the President,  
2           acting through the Attorney General, as the rep-  
3           resentative of the United States Government on  
4           human rights and economic justice matters related  
5           to child exploitation in international fora, including  
6           the United Nations.

7           (14) Providing technical assistance, coordina-  
8           tion, and support to—

9                   (A) other components of the Department  
10                  of Justice, in efforts to develop policy and to  
11                  enforce Federal laws relating to child exploi-  
12                  tation cases, including the litigation of civil and  
13                  criminal actions relating to enforcing such laws;

14                  (B) other Federal, State, local, and tribal  
15                  agencies, in efforts to develop policy, provide  
16                  technical assistance, and improve coordination  
17                  among agencies carrying out efforts to elimi-  
18                  nate child exploitation; and

19                  (C) grantees, in efforts to combat child ex-  
20                  ploitation and to provide support and assistance  
21                  to victims of such exploitation.

22 **SEC. 4112. ESTABLISHMENT OF ICAC TASK FORCE PRO-**  
23 **GRAM.**

24           (a) ESTABLISHMENT.—There is established within  
25 the Office of Justice Programs in the Department of Jus-

1 tice, under the general authority of the Attorney General,  
2 an Internet Crimes Against Children Task Force (herein-  
3 after in this part referred to as the “ICAC Task Force”),  
4 which shall consist of a national program of State and  
5 local law enforcement task forces dedicated to developing  
6 effective responses to online enticement of children by sex-  
7 ual predators, child exploitation, and child obscenity and  
8 pornography cases.

9 (b) NATIONAL PROGRAM.—The national ICAC Task  
10 Force program required under subsection (a) shall consist  
11 of at least 1 ICAC task force in each State.

12 **SEC. 4113. PURPOSE OF ICAC TASK FORCES.**

13 The ICAC Task Force, and each State or local ICAC  
14 task force that is part of the national program of task  
15 forces shall be dedicated towards—

16 (1) increasing the investigative capabilities of  
17 State and local law enforcement officers in the de-  
18 tection, investigation, and apprehension of Internet  
19 crimes against children offenses or offenders, includ-  
20 ing technology-facilitated child exploitation offenses;

21 (2) conducting proactive and reactive Internet  
22 crimes against children investigations;

23 (3) providing training and technical assistance  
24 to ICAC Task Forces and other Federal, State, and  
25 local law enforcement agencies in the areas of inves-

1       tigations, forensics, prosecution, community out-  
2       reach, and capacity-building, using recognized ex-  
3       perts to assist in the development and delivery of  
4       training programs;

5           (4) increasing the number of Internet crimes  
6       against children offenses being prosecuted in both  
7       Federal and State courts;

8           (5) creating a multiagency task force response  
9       to Internet crimes against children offenses within  
10      each State;

11          (6) enhancing nationwide responses to Internet  
12      crimes against children offenses, including assisting  
13      other ICAC task forces, as well as other Federal,  
14      State, and local agencies with Internet crimes  
15      against children investigations and prosecutions;

16          (7) developing and delivering Internet crimes  
17      against children public awareness and prevention  
18      programs; and

19          (8) participating in such other activities, both  
20      proactive and reactive, that will enhance investiga-  
21      tions and prosecutions of Internet crimes against  
22      children.

23   **SEC. 4114. DUTIES AND FUNCTIONS OF TASK FORCES.**

24       Each State or local ICAC task force that is part of  
25   the national program of task forces shall—

1           (1) consist of State and local investigators,  
2       prosecutors, forensic specialists, and education spe-  
3       cialists who are dedicated full-time to address the  
4       goals of such task force;

5           (2) work consistently towards achieving the  
6       purposes described in section 4113;

7           (3) engage in proactive investigations, forensic  
8       examinations, and effective prosecutions of Internet  
9       crimes against children;

10          (4) provide forensic, preventive, and investiga-  
11       tive assistance to parents, educators, prosecutors,  
12       law enforcement, and others concerned with Internet  
13       crimes against children;

14          (5) develop multijurisdictional, multiagency re-  
15       sponses and partnerships to Internet crimes against  
16       children offenses through ongoing informational, ad-  
17       ministrative, and technological support to other  
18       State and local law enforcement agencies, as a  
19       means for such agencies to acquire the necessary  
20       knowledge, personnel, and specialized equipment to  
21       investigate and prosecute such offenses;

22          (6) fully participate in any nationally coordi-  
23       nated investigation, as requested by the Attorney  
24       General;

1           (7) establish investigative and prosecution  
2 standards, consistent with established norms, to  
3 which that task force shall comply;

4           (8) investigate, and seek prosecution on, tips  
5 related to Internet crimes against children, including  
6 tips from other law enforcement agencies, ICAC task  
7 forces, the National Center for Missing and Ex-  
8 ploited Children, and other Federal, State, and local  
9 agencies;

10          (9) develop procedures for handling seized evi-  
11 dence;

12          (10) maintain such reports and records as are  
13 required under this part; and

14          (11) seek to comply with national standards re-  
15 garding the investigation and prosecution of Internet  
16 crimes against children, as set forth by the Attorney  
17 General, to the extent such standards are consistent  
18 with the law of the State where the task force is lo-  
19 cated.

20 **SEC. 4115. NATIONAL ICAC DATA NETWORK CENTER.**

21          (a) IN GENERAL.—The Attorney General shall estab-  
22 lish a National Internet Crimes Against Children Data  
23 Network Center.

1 (b) PURPOSE OF CENTER.—The National Internet  
2 Crimes Against Children Data Network Center established  
3 under subsection (a) shall be dedicated to assisting—

4 (1) the ICAC Task Force Program established  
5 under this part; and

6 (2) Federal, State, local, and tribal agencies in-  
7 vestigating and prosecuting child exploitation.

8 (c) MANDATORY REQUIREMENTS FOR CENTER.—  
9 The National Internet Crimes Against Children Data Net-  
10 work Center established under subsection (a) shall develop  
11 and maintain an integrated technology and training pro-  
12 gram that provides—

13 (1) a secure, online information-sharing and  
14 case management system for use by ICAC Task  
15 Forces, Federal law enforcement agencies, and other  
16 State and local law enforcement agencies;

17 (2) a secure, online system for resolving case  
18 conflicts, for use by ICAC Task Forces, Federal law  
19 enforcement agencies, and other State and local law  
20 enforcement agencies;

21 (3) a secure intelligence data storage and anal-  
22 ysis system for use by ICAC Task Forces, Federal  
23 law enforcement agencies, and other State and local  
24 law enforcement agencies;

1           (4) guidelines for the use of such Data Network  
2       by Federal, State, and local law enforcement agen-  
3       cies; and

4           (5) training and technical assistance on the use  
5       of such Data Network by Federal, State, and local  
6       law enforcement agencies.

7       (d) **AUTHORIZATION OF APPROPRIATIONS.**—There  
8       are authorized to be appropriated for each of the fiscal  
9       years 2008 through 2015, \$2,000,000 to carry out the  
10      provisions of this section, including for—

11           (1) the establishment of the National Internet  
12      Crimes Against Children Data Network Center; and

13           (2) the costs of operating and maintaining such  
14      Center.

15   **SEC. 4116. ICAC GRANT PROGRAM.**

16       (a) **ESTABLISHMENT.**—

17           (1) **IN GENERAL.**—The Attorney General is au-  
18      thorized to award grants to State and local ICAC  
19      task forces to assist in carrying out the duties and  
20      functions described under section 4114.

21           (2) **FORMULA.**—

22           (A) **ATTORNEY GENERAL TO DEVELOP.**—  
23      At least 75 percent of the total funds appro-  
24      priated for grants under paragraph (1) shall be  
25      awarded or otherwise distributed pursuant to a



1 funding formula established by the Attorney  
2 General.

3 (B) BASELINE AMOUNT.—Any formula es-  
4 tablished by the Attorney General under sub-  
5 paragraph (A), shall—

6 (i) ensure that each State or local  
7 ICAC task force shall, at a minimum, re-  
8 ceive an amount equal to 1 percent of the  
9 total funds appropriated for grants under  
10 paragraph (1); and

11 (ii) take into consideration the fol-  
12 lowing factors:

13 (I) The population of each State,  
14 as determined by the most recent de-  
15 cennial census performed by the Bu-  
16 reau of the Census.

17 (II) The number of investigative  
18 leads generated by the integrated  
19 technology system of each ICAC Task  
20 Force.

21 (III) The number of Internet  
22 crimes against children criminal cases  
23 referred by a task force for Federal,  
24 State, or local prosecution.

1                   (IV) The number of successful  
2                   prosecutions of child exploitation  
3                   cases by a task force.

4                   (V) Such other criteria as the At-  
5                   torney General determines dem-  
6                   onstrates the level of need for addi-  
7                   tional resources by a task force.

8                   (C) REMAINING FUNDS.—

9                   (i) IN GENERAL.—The funds remain-  
10                  ing for grants under this section after allo-  
11                  cation of the baseline amounts under sub-  
12                  paragraph (B) shall be distributed to State  
13                  and local ICAC task forces based upon  
14                  need, as set forth by criteria established by  
15                  the Attorney General. Such criteria shall  
16                  include:

17                  (I) The population of each State,  
18                  as determined by the most recent de-  
19                  cennial census performed by the Bu-  
20                  reau of the Census.

21                  (II) The number of investigative  
22                  leads generated by the integrated  
23                  technology system of each ICAC Task  
24                  Force.

1 (III) The number of Internet  
2 crimes against children criminal cases  
3 referred by a task force for Federal,  
4 State, or local prosecution.

5 (IV) The number of successful  
6 prosecutions of child exploitation  
7 cases by a task force.

8 (V) Such other criteria as the At-  
9 torney General determines dem-  
10 onstrates the level of need for addi-  
11 tional resources by a task force.

12 (ii) MATCHING REQUIREMENT.—To  
13 be eligible to receive any remaining grant  
14 funds under this subparagraph, a State or  
15 local ICAC task force shall contribute  
16 matching non-Federal funds in an amount  
17 equal to not less than 25 percent of the  
18 total amount of the grant.

19 (b) APPLICATION.—

20 (1) IN GENERAL.—Each State or local ICAC  
21 task force seeking a grant under this section shall  
22 submit an application to the Attorney General at  
23 such time, in such manner, and accompanied by  
24 such information as the Attorney General may rea-  
25 sonably require.

1           (2) CONTENTS.—Each application submitted  
2 pursuant to paragraph (1) shall—

3           (A) describe the activities for which assist-  
4 ance under this section is sought; and

5           (B) provide such additional assurances as  
6 the Attorney General determines to be essential  
7 to ensure compliance with the requirements of  
8 this part.

9       (c) ALLOWABLE USES.—Grants awarded under this  
10 section may be used to—

11           (1) hire personnel, investigators, prosecutors,  
12 education specialists, and forensic specialists;

13           (2) establish and support forensic laboratories  
14 utilized in Internet crimes against children investiga-  
15 tions;

16           (3) support investigations and prosecutions of  
17 Internet crimes against children;

18           (4) conduct and assist with education programs  
19 to help children and parents protect themselves from  
20 Internet predators;

21           (5) conduct and attend training sessions related  
22 to successful investigations and prosecutions of  
23 Internet crimes against children; and

1           (6) fund any other activities directly related to  
2       preventing, investigating, or prosecuting Internet  
3       crimes against children.

4       (d) REPORTING REQUIREMENTS.—

5           (1) ICAC REPORTS.—To measure the results of  
6       the activities funded by grants under this section,  
7       and to assist the Attorney General in complying with  
8       the Government Performance and Results Act (Pub-  
9       lic Law 103–62; 107 Stat. 285), each State or local  
10      ICAC task force receiving a grant under this section  
11      shall, on an annual basis, submit a report to the At-  
12      torney General that sets forth the following:

13           (A) Staffing levels of the task force, in-  
14      cluding the number of investigators, prosecu-  
15      tors, education specialists, and forensic special-  
16      ists dedicated to investigating and prosecuting  
17      Internet crimes against children.

18           (B) Investigation and prosecution perform-  
19      ance measures of the task force, including—

20           (i) the number of Internet crimes  
21      against children related arrests;

22           (ii) the number of prosecutions for  
23      Internet crimes against children, includ-  
24      ing—

1 (I) whether the prosecution re-  
2 sulted in a conviction for such crime;  
3 and

4 (II) the sentence and the statu-  
5 tory maximum for such crime under  
6 State law.

7 (C) The number of referrals made by the  
8 task force to the United States Attorneys office,  
9 including whether the referral was accepted by  
10 the United States Attorney.

11 (D) The number of investigative technical  
12 assistance sessions that the task force provided  
13 to non-member law enforcement agencies.

14 (E) The number of computer forensic ex-  
15 aminations that the task force completed.

16 (F) The number of law enforcement agen-  
17 cies participating in Internet crimes against  
18 children program standards established by the  
19 task force.

20 (2) REPORT TO CONGRESS.—Not later than 1  
21 year after the date of enactment of this Act, the At-  
22 torney General shall submit a report to Congress  
23 on—

1 (A) the progress of the development of the  
2 ICAC Task Forces established under this part;  
3 and

4 (B) the number of Federal and State in-  
5 vestigations, prosecutions, and convictions in  
6 the prior 12-month period related to child ex-  
7 ploitation.

8 **SEC. 4117. AUTHORIZATION OF APPROPRIATIONS.**

9 (a) IN GENERAL.—There are authorized to be appro-  
10 priated to carry out this part—

- 11 (1) \$60,000,000 for fiscal year 2008;  
12 (2) \$75,000,000 for fiscal year 2009;  
13 (3) \$75,000,000 for fiscal year 2010;  
14 (4) \$75,000,000 for fiscal year 2011;  
15 (5) \$75,000,000 for fiscal year 2012;  
16 (6) \$75,000,000 for fiscal year 2013;  
17 (7) \$100,000,000 for fiscal year 2014; and  
18 (8) \$100,000,000 for fiscal year 2015.

19 (b) AVAILABILITY.—Funds appropriated under sub-  
20 section (a) shall remain available until expended.

1     **PART II—ADDITIONAL MEASURES TO COMBAT**

2                     **CHILD EXPLOITATION**

3     **SEC. 4121. ADDITIONAL REGIONAL COMPUTER FORENSIC**

4                     **LABS.**

5             (a) **ADDITIONAL RESOURCES.**—The Attorney shall  
6 establish additional computer forensic capacity to address  
7 the current backlog for computer forensics, including for  
8 child exploitation investigations. The Attorney General  
9 may utilize funds under this title to establish new regional  
10 computer forensic laboratories within the Regional Com-  
11 puter Forensic Laboratories Program operated by the  
12 Federal Bureau of Investigation or may increase capacity  
13 at existing laboratories.

14            (b) **NEW COMPUTER FORENSIC LABS.**—If the Attor-  
15 ney General determines that new regional computer foren-  
16 sic laboratories are needed under subsection (a) to address  
17 existing backlogs, such new laboratories shall be estab-  
18 lished pursuant to subsection (d).

19            (c) **PURPOSE OF NEW RESOURCES.**—The additional  
20 forensic capacity established by the resources provided  
21 under this section shall prioritize its activities to assist  
22 Federal agencies, State and local Internet Crimes Against  
23 Children task forces, and other Federal, State, and local  
24 law enforcement agencies in preventing, investigating, and  
25 prosecuting Internet crimes against children.



1 (d) PURPOSE OF NEW ADDITIONAL CAPACITY.—The  
2 location of any new regional computer forensic labora-  
3 tories under this section shall be determined by the Attor-  
4 ney General, in consultation with the Director of the Fed-  
5 eral Bureau of Investigation, the Regional Computer Fo-  
6 rensic Laboratory National Steering Committee, and other  
7 relevant stakeholders.

8 (e) REPORT.—Not later than 1 year after the date  
9 of enactment of this Act, and every year thereafter, the  
10 Attorney General shall submit a report to the Congress  
11 on how the funds appropriated under this section were uti-  
12 lized.

13 (f) AUTHORIZATION OF APPROPRIATIONS.—There  
14 are authorized to be appropriated for fiscal years 2008  
15 through 2015, \$7,000,000 to carry out the provisions of  
16 this section.

17 **SEC. 4122. ENHANCED AUTHORITY TO INVESTIGATE INTER-**  
18 **NET CRIMES AGAINST CHILDREN.**

19 Section 2516(2) of title 18, United States Code, is  
20 amended by inserting “or crimes against children, includ-  
21 ing child exploitation, child obscenity, or other crimes dan-  
22 gerous to the life, limb, and well-being of minor children,”  
23 after “other dangerous drugs,”.

1 **SEC. 4123. ADDITIONAL FIELD AGENTS FOR THE FBI.**

2 (a) IN GENERAL.—There are authorized to be appro-  
3 priated to the Attorney General \$20,000,000, for each of  
4 the fiscal years 2008 through 2009, and \$25,000,000 for  
5 each of fiscal years 2010 through 2015, to fund the hiring  
6 of full-time Federal Bureau of Investigation field agents  
7 and associated analysts and support staff in addition to  
8 the number of such employees serving in those capacities  
9 on the date of enactment of this Act.

10 (b) SOLE PURPOSE.—The sole purpose of the addi-  
11 tional staff required to be hired under subsection (a) is  
12 to work on child exploitation cases as part of the Federal  
13 Bureau of Investigation’s Innocent Images National Ini-  
14 tiative.

15 **SEC. 4124. IMMIGRATIONS AND CUSTOMS ENFORCEMENT**  
16 **ENHANCEMENT.**

17 (a) ADDITIONAL AGENTS.—There are authorized to  
18 be appropriated to the Secretary of Homeland Security  
19 \$15,000,000, for each of the fiscal years 2008 through  
20 2015, to fund the hiring of full-time agents and associated  
21 analysts and support staff within the Bureau of Immigra-  
22 tion and Customs Enforcement in addition to the number  
23 of such employees serving in those capacities on the date  
24 of enactment of this Act.

1 (b) SOLE PURPOSE.—The sole purpose of the addi-  
2 tional staff required to be hired under subsection (a) is  
3 to work on child exploitation and child obscenity cases.

4 **SEC. 4125. COMBATING TRAFFICKING VIA THE UNITED**  
5 **STATES POSTAL SERVICE.**

6 (a) IN GENERAL.—There are authorized to be appro-  
7 priated to the Postmaster General \$5,000,000, for each  
8 of the fiscal years 2008 through 2015, to fund the hiring  
9 of full-time agents and associated analysts and support  
10 staff in addition to the number of such employees serving  
11 in those capacities on the date of enactment of this Act.

12 (b) SOLE PURPOSE.—The sole purpose of the addi-  
13 tional staff required to be hired under subsection (a) is  
14 to work on child exploitation and child obscenity cases.

15 **SEC. 4126. ACCOUNTABILITY PROVISIONS FOR CHILD EX-**  
16 **PLOITATION PREVENTION AND INTERDIC-**  
17 **TION.**

18 The Attorney General, in consultation with the Sec-  
19 retary of Homeland Security and the Postmaster General,  
20 shall report to the Committees on the Judiciary of the  
21 Senate and House of Representatives and any other rel-  
22 evant committee of jurisdiction, on an annual basis, on  
23 the resources (agents, forensic labs, prosecutors, etc.)  
24 being utilized by such agencies to investigate and pros-  
25 ecute child exploitation and child obscenity cases, includ-

1 ing the resources established under this title, the Adam  
 2 Walsh Child Protection and Safety Act of 2006 (Public  
 3 Law 109–248; 120 Stat. 587), and any other law related  
 4 to combating child exploitation and child obscenity.

5 **SEC. 4127. TRUTH IN SENTENCING REPORT.**

6 Not later than 1 year after the date of enactment  
 7 of this Act, the Comptroller General of the United States  
 8 shall conduct a study and report to Congress on the efforts  
 9 to combat child exploitation at the Federal, State, and  
 10 local level, including an examination of the average sen-  
 11 tences for child sex offenders and the length of time served  
 12 for each individual child sex offender.

13 **Subtitle B—Violence Against**  
 14 **Children Act of 2007**

15 **SEC. 4201. SHORT TITLE.**

16 This subtitle may be cited as the “Violence Against  
 17 Children Act of 2007”.

18 **SEC. 4202. FINDINGS.**

19 Congress makes the following findings:

20 (1) According to data from the National Inci-  
 21 dent-Based Reporting System, people under the age  
 22 of 18 make up approximately 26 percent of violent  
 23 crime victims reported to police, including 70 per-  
 24 cent of all reported sexual assaults. Of the victims

1 under the age of 18, approximately 37 percent were  
2 under the age of 12.

3 (2) According to data from the Bureau of Jus-  
4 tice Statistics, people between the ages of 12 and 17  
5 are over 2 times more likely to be victims of violent  
6 crime than adults.

7 (3) According to data from the Bureau of Jus-  
8 tice Statistics, only 29 percent of violent crimes  
9 against people between ages 12 and 17 are actually  
10 reported to police.

11 (4) According to data from the Department of  
12 Health and Human Services, an estimated 152,600  
13 children were victims of physical abuse in 2004, of  
14 which approximately 422 were fatalities.

15 (5) Child abuse has long-lasting negative effects  
16 upon children and families, including delayed devel-  
17 opment, depression, substance abuse, and increased  
18 likelihood of experiencing or perpetrating domestic  
19 violence as an adult.

20 (6) Local law enforcement agencies are in need  
21 of additional resources to protect and serve the  
22 needs of children and families.

23 (7) Legal representation, including training re-  
24 quirements for attorneys, guardians ad litem (GAL),  
25 and court appointed special advocates (CASA), and

1 caseload restrictions, for children in dependency  
2 court varies substantially by State and jurisdiction.

3 (8) With an estimated 30,000 gangs operating  
4 within the United States, gang violence and drug  
5 trafficking remain serious problems throughout the  
6 country, causing injury and death to innocent vic-  
7 tims, often children.

8 (9)(A) On November 13, 2005, a gang-related  
9 dispute broke out in San Bernardino, California, and  
10 gunfire sprayed an apartment building, killing 11-  
11 year-old Mynisha Crenshaw and seriously wounding  
12 her 14-year-old sister as they ate Sunday dinner  
13 with their family.

14 (B) This tragic shooting symbolizes the struggle  
15 that so many communities across the United States,  
16 like San Bernardino, face in combating gang vio-  
17 lence, and serves as a reminder of the nationwide  
18 problem of protecting children from senseless vio-  
19 lence.

20 (10) According to the National Drug Threat  
21 Assessment, criminal street gangs are responsible for  
22 the distribution of much of the cocaine, meth-  
23 amphetamine, heroin, and other illegal drugs  
24 throughout the United States.

1           (11) Coordination of Federal resources is need-  
2       ed to reduce gang violence through proven and  
3       proactive prevention and intervention programs, in-  
4       cluding programs that focus on keeping at-risk  
5       youth in school and out of the criminal justice sys-  
6       tem.

7       **PART I—ENHANCED FEDERAL ROLE IN CRIMES**  
8                               **AGAINST CHILDREN**

9       **SEC. 4211. ENHANCED PENALTIES.**

10       (a) IN GENERAL.—Chapter 110 of title 18, United  
11       States Code, is amended by inserting at the end the fol-  
12       lowing:

13       **“§ 2260A. Violence against children**

14       “(a) IN GENERAL.—Whoever, whether or not acting  
15       under color of law, in any circumstance described in sub-  
16       section (b), by force or threat of force intentionally causes  
17       or attempts to cause serious bodily injury to any person  
18       under 18 years of age shall be imprisoned for any term  
19       of years or for life, and fined in accordance with this title,  
20       if—

21               “(1) death results from the offense; or

22               “(2) the offense includes aggravated assault or  
23       attempted aggravated assault, aggravated battery or  
24       attempted aggravated battery, robbery or attempted  
25       robbery, or an attempt to kill.

1       “(b) CIRCUMSTANCES.—For purposes of subsection  
2 (a), the circumstances described in this subsection are  
3 that—

4           “(1) in the course of the conducts described in  
5 subsection (a), the minor or the defendant traveled  
6 in or was transported in interstate or foreign com-  
7 merce;

8           “(2) the conduct described in subsection (a) is  
9 done within the special maritime and territorial ju-  
10 risdiction of the United States; or

11          “(3) in the course of the conduct described in  
12 subsection (a) the defendant used a channel, facility,  
13 or instrumentality of interstate or foreign commerce.

14       “(c) SERIOUS BODILY INJURY.—In this section—

15           “(1) the term ‘serious bodily injury’ means in-  
16 jury involving extreme physical pain or the pro-  
17 tracted impairment of a function of a bodily mem-  
18 ber, organ, or mental faculty, or requiring medical  
19 intervention such as surgery, hospitalization, or  
20 physical rehabilitation; and

21           “(2) serious bodily injury is deemed to have oc-  
22 curred if the offense involves conduct constituting  
23 criminal sexual abuse under section 2241 or 2242 of  
24 this title.



1       “(d) PENALTIES.—An offense under this section  
2 shall not preempt any offense or penalty under relevant  
3 State law.”.

4       (b) AMENDMENT TO CHAPTER ANALYSIS.—The  
5 chapter analysis for chapter 110 of title 18, United States  
6 Code, is amended by inserting at the end the following:  
“2260A. Violence against children.”.

7       (c) ENHANCED PENALTIES FOR EXISTING CRIMES  
8 WHEN COMMITTED AGAINST CHILDREN.—Pursuant to  
9 its authority under section 994(p) of title 28, United  
10 States Code, and in accordance with this part and its pur-  
11 poses, the United States Sentencing Commission shall re-  
12 view and amend its guidelines and its policy statements  
13 to provide enhanced penalties when the victim of a Federal  
14 crime is under the age of 18.

15       (d) GAO REVIEW OF STATE LAWS.—Not later than  
16 12 months after the date of enactment of this Act, the  
17 Comptroller General of the United States shall—

- 18           (1) review the statutory penalties for crimes  
19       against children under State laws and the sentencing  
20       practices of the States with respect to those crimes,  
21       including whether a State provides enhanced pen-  
22       alties when the victim of the crime is a child; and  
23           (2) report the findings of the review to Con-  
24       gress.

1 **SEC. 4212. ENHANCED ASSISTANCE FOR CRIMINAL INVES-**  
2 **TIGATIONS AND PROSECUTIONS BY STATE**  
3 **AND LOCAL LAW ENFORCEMENT OFFICIALS.**

4 (a) IN GENERAL.—At the request of a State, Indian  
5 tribal government, or unit of local government, the Attor-  
6 ney General shall provide technical, forensic, prosecutorial,  
7 or any other form of assistance in the criminal investiga-  
8 tion or prosecution of any crime that—

9 (1) constitutes a crime of violence (as defined  
10 in section 16 of title 18, United States Code);

11 (2) constitutes a felony under the laws of the  
12 State or Indian tribe; and

13 (3) is committed against a person under 18  
14 years of age.

15 (b) PRIORITY.—If the Attorney General determines  
16 that there are insufficient resources to fulfill requests  
17 made pursuant to subsection (a), the Attorney General  
18 shall give priority to requests for assistance to—

19 (1) crimes committed by, or believed to be com-  
20 mitted by, offenders who have committed crimes in  
21 more than 1 State; and

22 (2) rural jurisdictions that have difficulty cov-  
23 ering the extraordinary expenses relating to the in-  
24 vestigation or prosecution of the crime.

25 (c) REPORTING REQUIREMENTS.—

1           (1) IN GENERAL.—Every 180 days following  
2           the date of enactment of this Act, the Attorney Gen-  
3           eral shall submit to Congress a report on applica-  
4           tions for Federal assistance under this subtitle, and  
5           Federal assistance provided under this subtitle.

6           (2) CONTENTS.—Each report under paragraph  
7           (1) shall include—

8                   (A) a listing of all applications for Federal  
9                   assistance under this subtitle during the pre-  
10                  vious 180 days;

11                  (B) a description of each application sub-  
12                  mitted during the previous 180 days, whether  
13                  approved, denied, or pending, including the  
14                  name of the requesting party and the nature of  
15                  the request for assistance;

16                  (C) reasons for approval or denial of each  
17                  application, and the persons involved in the re-  
18                  view and decision-making process for each ap-  
19                  plication; and

20                  (D) if Federal assistance was provided, a  
21                  description of the assistance provided, including  
22                  the date on which the assistance was provided.

**PART II—GRANT PROGRAMS****SEC. 4221. FEDERAL ASSISTANCE TO STATE AND LOCAL  
LAW ENFORCEMENT.**

(a) IN GENERAL.—The Attorney General shall award grants to assist States, Indian tribal governments, and units of local government to develop and strengthen effective law enforcement and prosecution of crimes against children.

(b) PURPOSES.—Grants provided under this section shall provide personnel, training, technical assistance, data collection, and other equipment for the more widespread apprehension, prosecution, and adjudication of persons committing crimes against children, and specifically, for the purposes of—

(1) training law enforcement officers, prosecutors, judges, and other court personnel to more effectively identify and respond to crimes against children;

(2) developing, training, or expanding units of law enforcement officers, prosecutors, or courts specifically targeting crimes against children;

(3) developing and implementing more effective police and prosecution policies, protocols, orders, and services specifically devoted to preventing, identifying, and responding to crimes against children;

1           (4) developing, installing, or expanding data  
2       collection and communication systems, including  
3       computerized systems, linking police, prosecutors,  
4       and courts for the purpose of identifying and track-  
5       ing arrests, prosecutions, and convictions for crimes  
6       against children;

7           (5) encouraging, developing, and strengthening  
8       programs, procedures, and policies that enhance  
9       cross-collaboration and cross-communication between  
10      law enforcement and child services agencies regard-  
11      ing the care, treatment, and services for child vic-  
12      tims;

13          (6) developing, enlarging, or strengthening pro-  
14      grams addressing the needs and circumstances of  
15      Indian tribes in dealing with crimes against children;  
16      and

17          (7) developing, training, or expanding units of  
18      law enforcement officers, prosecutors, or courts to  
19      investigate and prosecute Internet crimes against  
20      children, including increased development and train-  
21      ing in the use of forensic methods.

22      (c) APPLICATION.—

23          (1) IN GENERAL.—Each State, Indian tribal  
24      government, or unit of local government that desires  
25      a grant under this section shall submit an applica-

1       tion to the Attorney General at such time, in such  
2       manner, and accompanied by or containing such in-  
3       formation as the Attorney General shall reasonably  
4       require.

5               (2) REQUIREMENTS.—A State, Indian tribal  
6       government, or unit of local government applying for  
7       a grant under this section shall—

8               (A) describe—

9                       (i) the purposes for which the grant is  
10                      needed;

11                     (ii) the intended use of the grant  
12                      funds; and

13                     (iii) the expected results from the use  
14                      of grant funds;

15               (B) demonstrate that, in developing a plan  
16       to implement the grant, the State, Indian tribal  
17       government, or unit of local government has  
18       consulted and coordinated with nonprofit, non-  
19       governmental victim services programs that  
20       have experience in providing services to victims  
21       of crimes against children; and

22               (C) certify that—

23                     (i) any Federal funds received under  
24                      this section will be used to supplement, not  
25                      supplant, non-Federal funds that would

1 otherwise be available for activities funded  
2 under this section; and

3 (ii) the State, the Indian tribal gov-  
4 ernment, or the State in which the unit of  
5 local government is located is in compli-  
6 ance with sections 4231 and 4232.

7 (d) AUTHORIZATION OF APPROPRIATIONS.—There is  
8 authorized to be appropriated to carry out this section  
9 \$50,000,000 for each of the fiscal years 2008 through  
10 2010.

11 **SEC. 4222. EDUCATION, PREVENTION, AND VICTIMS' AS-**  
12 **SISTANCE GRANTS.**

13 (a) IN GENERAL.—The Attorney General shall award  
14 grants to assist States, Indian tribal governments, units  
15 of local government, universities, and nongovernmental or-  
16 ganizations to provide education, prevention, intervention,  
17 and victims' assistance services regarding crimes against  
18 children.

19 (b) PURPOSES.—Grants provided under this section  
20 shall be used to provide education, prevention, and inter-  
21 vention services to prevent crimes against children and to  
22 provide assistance to children, and the families of children,  
23 who are victims of crime, including—

- 24 (1) educational seminars;  
25 (2) the operation of hotlines;

1           (3) training programs for professionals;

2           (4) the preparation of informational material  
3 for education and public awareness;

4           (5) multidisciplinary training curricula at ac-  
5 credited schools of law and undergraduate institu-  
6 tions in order to provide a broad and comprehensive  
7 foundation for improved intervention and representa-  
8 tion of abused and neglected children;

9           (6) intervention services to prevent crimes  
10 against children;

11          (7) other efforts to increase awareness of the  
12 facts about, or to help prevent, crimes against chil-  
13 dren, including efforts to increase awareness in un-  
14 derserved racial, ethnic, and language minority com-  
15 munities;

16          (8) emergency medical treatment for victims;

17          (9) counseling to victims of crimes against chil-  
18 dren and their families; and

19          (10) increasing the supply of mental health pro-  
20 fessionals specializing in the mental health of victims  
21 of crimes against children.

22       (c) APPLICATION.—

23           (1) IN GENERAL.—Each State, Indian tribal  
24 government, unit of local government, or nongovern-  
25 mental organization that desires a grant under this



1 section shall submit an application to the Attorney  
2 General at such time, in such manner, and accom-  
3 panied by or containing such information as the At-  
4 torney General shall reasonably require.

5 (2) REQUIREMENTS.—A State, Indian tribal  
6 government, unit of local government, or nongovern-  
7 mental organization applying for a grant under this  
8 section shall—

9 (A) describe—

10 (i) the purposes for which the grant is  
11 needed;

12 (ii) the intended use of the grant  
13 funds; and

14 (iii) the expected results from the use  
15 of grant funds;

16 (B) demonstrate that, in developing a plan  
17 to implement the grant—

18 (i) in the case of a State, Indian tribal  
19 government, or unit of local government,  
20 that the State, Indian tribal government,  
21 or unit of local government has consulted  
22 and coordinated with nonprofit, nongovern-  
23 mental victim services programs that have  
24 experience in providing services to victims  
25 of crimes against children; and

1           (ii) in the case of a nongovernmental  
2           organization, that the nongovernmental or-  
3           ganization has experience in providing edu-  
4           cation, prevention, or intervention services  
5           regarding crimes against children or has  
6           experience in providing services to victims  
7           of crimes against children; and

8           (C) certify that—

9           (i) any Federal funds received under  
10          this section will be used to supplement, not  
11          supplant, non-Federal funds that would  
12          otherwise be available for activities funded  
13          under this section, provided that the Attor-  
14          ney General may waive such requirement  
15          for nongovernmental organizations in ex-  
16          traordinary circumstances; and

17          (ii) the State, the Indian tribal gov-  
18          ernment, the State in which the unit of  
19          local government is located, or the State in  
20          which the nongovernmental organization  
21          will operate the activities funded under this  
22          section is located, is in compliance with  
23          section 4233.

24          (d) AUTHORIZATION OF APPROPRIATIONS.—There is  
25          authorized to be appropriated to carry out this section

1 \$50,000,000 for each of the fiscal years 2008 through  
2 2010.

3 **PART III—NATIONWIDE PROGRAMS**

4 **SEC. 4231. IMPROVED STATISTICAL GATHERING.**

5 Each State receiving grants pursuant to part II shall  
6 use, or shall be in the process of testing or developing pro-  
7 tocols to use, the National Incident-Based Reporting Sys-  
8 tem.

9 **SEC. 4232. NATIONAL SAFE HAVEN.**

10 (a) IN GENERAL.—Not later than 3 years after the  
11 date of enactment of this Act, each State receiving grants  
12 pursuant to part II shall have in effect a statute that—

13 (1) permits a parent to leave a newborn baby  
14 with a medically trained employee of a hospital  
15 emergency room anonymously without any criminal  
16 or other penalty;

17 (2) includes a mechanism to encourage and per-  
18 mit a hospital employee in the receiving hospital to  
19 collect information about the medical history of the  
20 family subject to the approval of the parent;

21 (3) requires law enforcement entities in the  
22 State, immediately after relinquishment of a child  
23 under paragraph (1), to search State and Federal  
24 missing person databases to ensure that the child  
25 has not been reported missing; and

1           (4) includes a plan for publicizing the State's  
2       Safe Haven law.

3       (b) EXCEPTION.—Notwithstanding subsection (a)(1),  
4       a State statute in effect pursuant to this section may deny  
5       a parent the ability to leave a newborn baby anonymously  
6       without any criminal or other penalty if the newborn baby  
7       shows signs of abuse or appears to have been intentionally  
8       harmed.

9       **SEC. 4233. IMPROVED CHILD PROTECTION SERVICES PRO-**  
10           **GRAMS.**

11       Not later than 180 days after the date of enactment  
12       of this Act, each State receiving an allotment for child wel-  
13       fare services under subpart 1 of part B of title IV of the  
14       Social Security Act (42 U.S.C. 620 et seq.) shall submit  
15       to the Secretary of Health and Human Services a report  
16       detailing the State's program funded under that subpart,  
17       including the process for maintaining records and  
18       verifying the well-being of the children under the State's  
19       care.

20       **SEC. 4234. MODEL TRAINING AND CASELOAD STANDARDS.**

21       (a) DEVELOPMENT.—

22           (1) MODEL CURRICULUM AND TRAINING  
23       STANDARDS.—The Secretary of Health and Human  
24       Services, in conjunction with the Attorney General,  
25       shall develop model standards for curriculum and

1 training for individuals who are guardians ad litem,  
2 court appointed special advocates, or attorneys ad  
3 litem, in child abuse and neglect cases (as defined in  
4 section 111 of the Child Abuse Prevention and  
5 Treatment Act (42 U.S.C. 5106g)). The Secretary  
6 of Health and Human Services shall design the  
7 standards to improve the quality of representation  
8 by, and uniformity of practices of, such individuals,  
9 throughout the United States.

10 (2) CASELOAD STANDARDS.—The Secretary of  
11 Health and Human Services, after consulting with  
12 the Attorney General, shall develop caseload stand-  
13 ards for the individuals described in paragraph (1).

14 (b) DISSEMINATION.—Not later than 18 months  
15 after the date of enactment of this Act, the Secretary of  
16 Health and Human Services shall disseminate the stand-  
17 ards developed under paragraphs (1) and (2) of subsection  
18 (a) to State child welfare agencies receiving assistance  
19 under subpart 1 of part B of title IV of the Social Security  
20 Act (42 U.S.C. 620 et seq.).

21 **PART IV—MYNISHA’S LAW**

22 **SEC. 4241. SHORT TITLE.**

23 This part may be cited as “Mynisha’s Law”.

1 **SEC. 4242. FEDERAL COORDINATION AND ASSISTANCE IN**  
2 **PREVENTING GANG VIOLENCE.**

3 The Attorney General shall establish an interagency  
4 task force to provide Federal assistance and coordination  
5 in preventing gang violence.

6 **SEC. 4243. DESIGNATION AS A HIGH INTENSITY INTER-**  
7 **STATE GANG AREA.**

8 (a) IN GENERAL.—A unit of local government, city,  
9 county, tribal government, or a group of counties (whether  
10 located in 1 or more States) may submit an application  
11 to the Attorney General for designation as a high intensity  
12 interstate gang area.

13 (b) CRITERIA.—

14 (1) IN GENERAL.—The Attorney General shall  
15 establish criteria for reviewing applications sub-  
16 mitted under subsection (a).

17 (2) CONSIDERATIONS.—In establishing criteria  
18 under subsection (a) and evaluating an application  
19 for designation as a high intensity interstate gang  
20 area, the Attorney General shall consider—

21 (A) the current and predicted levels of  
22 gang crime activity in the area;

23 (B) the extent to which violent crime in  
24 the area appears to be related to criminal gang  
25 activity;

1           (C) the extent to which the area is already  
2           engaged in local or regional collaboration re-  
3           garding, and coordination of, gang prevention  
4           activities;

5           (D) the extent to which an increase in the  
6           allocation of Federal resources would enhance  
7           local response to the gang crime or gang pre-  
8           vention activities in the area; and

9           (E) such other criteria as the Attorney  
10          General determines to be appropriate.

11 **SEC. 4244. PURPOSE OF THE TASK FORCE.**

12          (a) IN GENERAL.—In order to coordinate Federal as-  
13          sistance to high intensity interstate gang areas, the Attor-  
14          ney General shall establish an Interagency Gang Preven-  
15          tion Task Force (in this part referred to as the “Task  
16          Force”), consisting of a representative from—

17               (1) the Department of Justice;

18               (2) the Department of Education;

19               (3) the Department of Labor;

20               (4) the Department of Health and Human  
21          Services; and

22               (5) the Department of Housing and Urban De-  
23          velopment.

1 (b) COORDINATION.—For each high intensity inter-  
2 state gang area designated by the Attorney General under  
3 section 4243, the Task Force shall—

4 (1) coordinate the activities of the Federal Gov-  
5 ernment to create a comprehensive gang prevention  
6 response, focusing on early childhood intervention,  
7 at-risk youth intervention, literacy, employment, and  
8 community policing; and

9 (2) coordinate its efforts with local and regional  
10 gang prevention efforts.

11 (c) PROGRAMS.—The Task Force shall prioritize the  
12 needs of high intensity interstate gang areas for funding  
13 under—

14 (1) the Child Care and Development Block  
15 Grant Act of 1990 (42 U.S.C. 9858 et seq.);

16 (2) the Even Start programs under subpart 3  
17 of part B of title I of the Elementary and Secondary  
18 Education Act of 1965 (20 U.S.C. 6381 et seq.);

19 (3) the Healthy Start Initiative under section  
20 330H of the Public Health Services Act (42 U.S.C.  
21 254c–8);

22 (4) the Head Start Act (42 U.S.C. 9831 et  
23 seq.);

24 (5) the 21st Century Community Learning Cen-  
25 ters program under part B of title IV of the Ele-



1       mentary and Secondary Education Act of 1965 (20  
2       U.S.C. 7171 et seq.);

3           (6) the Job Corps program under subtitle C of  
4       title I of the Workforce Investment Act of 1998 (29  
5       U.S.C. 2881 et seq.);

6           (7) the community development block grant  
7       program under title I of the Housing and Commu-  
8       nity Development Act of 1974 (42 U.S.C. 5301 et  
9       seq.);

10          (8) the Gang Resistance Education and Train-  
11       ing projects under subtitle X of title III of the Vio-  
12       lent Crime Control and Law Enforcement Act of  
13       1994 (42 U.S.C. 13921);

14          (9) any program administered by the Office of  
15       Community Oriented Policing Services;

16          (10) the Juvenile Accountability Block Grant  
17       program under part R of title I of the Omnibus  
18       Crime Control and Safe Streets Act of 1968 (42  
19       U.S.C. 3796ee et seq.);

20          (11) the Edward Byrne Memorial Justice As-  
21       sistance Grant Program under subpart 1 of part E  
22       of title I of the Omnibus Crime Control and Safe  
23       Streets Act of 1968 (42 U.S.C. 3750 et seq.); and

24          (12) any other program that the Task Force  
25       determines to be appropriate.

1 (d) REPORTING REQUIREMENTS.—

2 (1) IN GENERAL.—Not later than February 1  
3 of each year, the Task Force shall submit to Con-  
4 gress and the Attorney General a report on the  
5 funding needs and programmatic outcomes for each  
6 area designated as a high intensity interstate gang  
7 area.

8 (2) CONTENTS.—Each report under paragraph  
9 (1) shall include—

10 (A) an evidence-based analysis of the best  
11 practices and outcomes among the areas des-  
12 ignated as high intensity interstate gang areas;  
13 and

14 (B) an analysis of the adequacy of Federal  
15 funding to meet the needs of each area des-  
16 ignated as a high intensity interstate gang area  
17 and, if the Task Force identifies any pro-  
18 grammatic shortfalls in addressing gang pre-  
19 vention, a request for new funding or re-  
20 programming of existing funds to meet such  
21 shortfalls.

22 **SEC. 4245. AUTHORIZATION OF APPROPRIATIONS.**

23 There are authorized to be appropriated such sums  
24 as are necessary to meet any needs identified in any report  
25 submitted under section 4244(d)(1).

1       **PART V—SCHOOL SAFETY ENHANCEMENTS**

2       **SEC. 4251. GRANT PROGRAM FOR SCHOOL SECURITY.**

3           Section 2701 of the Omnibus Crime Control and Safe  
4 Streets Act of 1968 (42 U.S.C. 3797a) is amended—

5               (1) in subsection (b)—

6                       (A) in paragraph (1), by inserting “surveil-  
7 lance,” after “detectors,”;

8                       (B) by striking paragraph (2) and insert-  
9 ing the following:

10               “(2) The establishment of hotlines or tiplines  
11 for the reporting of potentially dangerous students  
12 and situations.”;

13                       (C) by redesignating paragraph (5) as  
14 paragraph (6); and

15                       (D) by inserting after paragraph (4) the  
16 following:

17               “(5) Capital improvements to make school fa-  
18 cilities more secure.”;

19               (2) by striking subsection (d)(1) and inserting  
20 the following:

21               “(1) Notwithstanding section 1701(g), the Fed-  
22 eral share of the costs of a program provided by a  
23 grant under subsection (a) shall be 80 percent of the  
24 total of such costs. The non-Federal share of such  
25 costs shall be 20 percent of such costs.”; and

26               (3) by adding at the end the following:

1       “(g) INTERAGENCY TASK FORCE.—Not later than 60  
2 days after the date of enactment of this subsection, the  
3 Director and the Secretary of Education, or the designee  
4 of the Secretary, shall establish an interagency task force  
5 to develop and promulgate a set of advisory school safety  
6 guidelines. The advisory school safety guidelines shall be  
7 published in the Federal Register by not later than June  
8 1, 2008.”.

9   **SEC. 4252. APPLICATIONS.**

10       Section 2702(a)(2) of the Omnibus Crime Control  
11 and Safe Streets Act of 1968 (42 U.S.C. 3797b(a)(2)) is  
12 amended to read as follows:

13               “(2) be accompanied by a report, signed by the  
14 chief education officer and the attorney general or  
15 other chief legal officer of the State, unit of local  
16 government, or Indian tribe, demonstrating that  
17 each proposed use of the grant funds will be—

18                       “(A) an effective means for improving the  
19 safety of 1 or more schools;

20                       “(B) consistent with a comprehensive ap-  
21 proach to preventing school violence; and

22                       “(C) individualized to the needs of each  
23 school at which those improvements are to be  
24 made.”.

1 **SEC. 4253. AUTHORIZATION OF APPROPRIATIONS.**

2 Section 2705 of the Omnibus Crime Control and Safe  
3 Streets Act of 1968 (42 U.S.C. 3797e) is amended by  
4 striking “\$30,000,000” and inserting “\$50,000,000”.

5 **TITLE V—DRUG CONTROL,**  
6 **PREVENTION AND TREATMENT**  
7 **Subtitle A—Drug Sentencing Re-**  
8 **form and Cocaine Kingpin Traf-**  
9 **ficking Act of 2007**

10 **SEC. 5101. SHORT TITLE.**

11 This subtitle may be cited as the “Drug Sentencing  
12 Reform and Cocaine Kingpin Trafficking Act of 2007”.

13 **SEC. 5102. COCAINE SENTENCING DISPARITY ELIMINATION.**

14 (a) CSA.—Section 401(b)(1) of the Controlled Sub-  
15 stances Act (21 U.S.C. 841(b)(1)) is amended—

16 (1) in subparagraph (A)(iii), by striking “50  
17 grams” and inserting “5 kilograms”; and

18 (2) in subparagraph (B)(iii), by striking “5  
19 grams” and inserting “500 grams.”

20 (b) IMPORT AND EXPORT ACT.—Section 1010(b) of  
21 the Controlled Substances Import and Export Act (21  
22 U.S.C. 960(b)) is amended—

23 (1) in paragraph (1)(C), by striking “50  
24 grams” and inserting “5 kilograms”; and

25 (2) in paragraph (2)(C), by striking “5 grams”  
26 and inserting “500 grams”.

1 **SEC. 5103. ELIMINATION OF MANDATORY MINIMUM FOR**  
2 **SIMPLE POSSESSION.**

3 Section 404(a) of the Controlled Substances Act (21  
4 U.S.C. 844(a)) is amended by striking the sentence begin-  
5 ning “Notwithstanding the preceding sentence,”.

6 **SEC. 5104. INCREASED EMPHASIS ON CERTAIN AGGRA-**  
7 **VATING AND MITIGATING FACTORS.**

8 Pursuant to its authority under section 994 of title  
9 28, United States Code, the United States Sentencing  
10 Commission shall review and, if appropriate, amend the  
11 sentencing guidelines to ensure that the penalties for an  
12 offense involving trafficking of a controlled substance—

13 (1) provide tiered enhancements for the involve-  
14 ment of a dangerous weapon or violence, including,  
15 if appropriate—

16 (A) an enhancement for the use or  
17 brandishment of a dangerous weapon;

18 (B) an enhancement for the use, or threat-  
19 ened use, of violence; and

20 (C) any other enhancement the Commis-  
21 sion considers necessary;

22 (2) adequately take into account the culpability  
23 of the defendant and the role of the defendant in the  
24 offense, including consideration of whether enhance-  
25 ments should be added, either to the existing en-  
26 hancements for aggravating role or otherwise, that

1 take into account aggravating factors associated  
2 with the offense, including—

3 (A) whether the defendant committed the  
4 offense as part of a pattern of criminal conduct  
5 engaged in as a livelihood;

6 (B) whether the defendant is an organizer  
7 or leader of drug trafficking activities involving  
8 5 or more persons;

9 (C) whether the defendant maintained an  
10 establishment for the manufacture or distribu-  
11 tion of the controlled substance;

12 (D) whether the defendant distributed a  
13 controlled substance to an individual under the  
14 age of 21 years of age or to a pregnant woman;

15 (E) whether the defendant involved an in-  
16 dividual under the age of 18 years or a preg-  
17 nant woman in the offense;

18 (F) whether the defendant manufactured  
19 or distributed the controlled substance in a lo-  
20 cation described in section 409(a) or section  
21 419(a) of the Controlled Substances Act (21  
22 U.S.C. 849(a) or 860(a));

23 (G) whether the defendant bribed, or at-  
24 tempted to bribe, a Federal, State, or local law

1 enforcement officer in connection with the of-  
2 fense;

3 (H) whether the defendant was involved in  
4 importation into the United States of a con-  
5 trolled substance;

6 (I) whether bodily injury or death occurred  
7 in connection with the offense;

8 (J) whether the defendant committed the  
9 offense after previously being convicted of a fel-  
10 ony controlled substances offense; and

11 (K) any other factor the Commission con-  
12 siders necessary; and

13 (3) adequately take into account mitigating fac-  
14 tors associated with the offense, including—

15 (A) whether the defendant had minimum  
16 knowledge of the illegal enterprise;

17 (B) whether the defendant received little or  
18 no compensation in connection with the offense;

19 (C) whether the defendant acted on im-  
20 pulse, fear, friendship, or affection when the de-  
21 fendant was otherwise unlikely to commit such  
22 an offense; and

23 (D) whether any maximum base offense  
24 level should be established for a defendant who  
25 qualifies for a mitigating role adjustment.



1 **SEC. 5105. OFFENDER DRUG TREATMENT INCENTIVE**  
2 **GRANTS.**

3 (a) GRANT PROGRAM AUTHORIZED.—The Attorney  
4 General shall carry out a grant program under which the  
5 Attorney General may make grants to States, units of  
6 local government, territories, and Indian tribes in an  
7 amount described in subsection (c) to improve the provi-  
8 sion of drug treatment to offenders in prisons, jails, and  
9 juvenile facilities.

10 (b) REQUIREMENTS FOR APPLICATION.—

11 (1) IN GENERAL.—To be eligible to receive a  
12 grant under subsection (a) for a fiscal year, an enti-  
13 ty described in that subsection shall, in addition to  
14 any other requirements specified by the Attorney  
15 General, submit to the Attorney General an applica-  
16 tion that demonstrates that, with respect to offend-  
17 ers in prisons, jails, and juvenile facilities who re-  
18 quire drug treatment and who are in the custody of  
19 the jurisdiction involved, during the previous fiscal  
20 year that entity provided drug treatment meeting  
21 the standards established by the Single State Au-  
22 thority for Substance Abuse (as that term is defined  
23 in section 5106) for the relevant State to a number  
24 of such offenders that is 2 times the number of such  
25 offenders to whom that entity provided drug treat-

1       ment during the fiscal year that is 2 years before  
2       the fiscal year for which that entity seeks a grant.

3           (2) OTHER REQUIREMENTS.—An application  
4       under this section shall be submitted in such form  
5       and manner and at such time as specified by the At-  
6       torney General.

7           (c) ALLOCATION OF GRANT AMOUNTS BASED ON  
8       DRUG TREATMENT PERCENT DEMONSTRATED.—The At-  
9       torney General shall allocate amounts under this section  
10      for a fiscal year based on the percent of offenders de-  
11      scribed in subsection (b)(1) to whom an entity provided  
12      drug treatment in the previous fiscal year, as dem-  
13      onstrated by that entity in its application under that sub-  
14      section.

15          (d) USES OF GRANTS.—A grant awarded to an entity  
16      under subsection (a) shall be used—

17           (1) for continuing and improving drug treat-  
18      ment programs provided at prisons, jails, and juve-  
19      nile facilities of that entity; and

20           (2) to strengthen rehabilitation efforts for of-  
21      fenders by providing addiction recovery support serv-  
22      ices, such as job training and placement, education,  
23      peer support, mentoring, and other similar services.

24          (e) REPORTS.—An entity that receives a grant under  
25      subsection (a) during a fiscal year shall, not later than

1 the last day of the following fiscal year, submit to the At-  
2 torney General a report that describes and assesses the  
3 uses of such grant.

4 (f) AUTHORIZATION OF APPROPRIATIONS.—There  
5 are authorized to be appropriated \$10,000,000 to carry  
6 out this section for each of fiscal years 2008 and 2009.

7 **SEC. 5106. GRANTS FOR DEMONSTRATION PROGRAMS TO**  
8 **REDUCE DRUG USE SUBSTANCE ABUSERS.**

9 (a) AWARDS REQUIRED.—The Attorney General may  
10 make competitive grants to eligible partnerships, in ac-  
11 cordance with this section, for the purpose of establishing  
12 demonstration programs to reduce the use of alcohol and  
13 other drugs by supervised substance abusers during the  
14 period in which each such substance abuser is in prison,  
15 jail, or a juvenile facility, and until the completion of pa-  
16 role or court supervision of such abuser.

17 (b) USE OF GRANT FUNDS.—A grant made under  
18 subsection (a) to an eligible partnership for a demonstra-  
19 tion program, shall be used—

20 (1) to support the efforts of the agencies, orga-  
21 nizations, and researchers included in the eligible  
22 partnership, with respect to the program for which  
23 a grant is awarded under this section;

1           (2) to develop and implement a program for su-  
2       pervised substance abusers during the period de-  
3       scribed in subsection (a), which shall include—

4           (A) alcohol and drug abuse assessments  
5       that—

6           (i) are provided by a State-approved  
7       program;

8           (ii) provide adequate incentives for  
9       completion of a comprehensive alcohol or  
10      drug abuse treatment program, including  
11      through the use of graduated sanctions;  
12      and

13          (B) coordinated and continuous delivery of  
14      drug treatment and case management services  
15      during such period; and

16          (3) to provide addiction recovery support serv-  
17      ices (such as job training and placement, peer sup-  
18      port, mentoring, education, and other related serv-  
19      ices) to strengthen rehabilitation efforts for sub-  
20      stance abusers.

21          (c) APPLICATION.—To be eligible for a grant under  
22      subsection (a) for a demonstration program, an eligible  
23      partnership shall submit to the Attorney General an appli-  
24      cation that—

1           (1) identifies the role, and certifies the involve-  
2           ment, of each agency, organization, or researcher in-  
3           volved in such partnership, with respect to the pro-  
4           gram;

5           (2) includes a plan for using judicial or other  
6           criminal or juvenile justice authority to supervise the  
7           substance abusers who would participate in a dem-  
8           onstration program under this section, including  
9           for—

10                 (A) administering drug tests for such  
11                 abusers on a regular basis; and

12                 (B) swiftly and certainly imposing an es-  
13                 tablished set of graduated sanctions for non-  
14                 compliance with conditions for reentry into the  
15                 community relating to drug abstinence (whether  
16                 imposed as a pre-trial, probation, or parole con-  
17                 dition, or otherwise);

18           (3) includes a plan to provide supervised sub-  
19           stance abusers with coordinated and continuous  
20           services that are based on evidence-based strategies  
21           and that assist such abusers by providing such abus-  
22           ers with—

23                 (A) drug treatment while in prison, jail, or  
24                 a juvenile facility;

1 (B) continued treatment during the period  
 2 in which each such substance abuser is in pris-  
 3 on, jail, or a juvenile facility, and until the com-  
 4 pletion of parole or court supervision of such  
 5 abuser;

6 (C) addiction recovery support services;

7 (D) employment training and placement;

8 (E) family-based therapies;

9 (F) structured post-release housing and  
 10 transitional housing, including housing for re-  
 11 covering substance abusers; and

12 (G) other services coordinated by appro-  
 13 priate case management services;

14 (4) includes a plan for coordinating the data in-  
 15 frastructures among the entities included in the eli-  
 16 gible partnership and between such entities and the  
 17 providers of services under the demonstration pro-  
 18 gram involved (including providers of technical as-  
 19 sistance) to assist in monitoring and measuring the  
 20 effectiveness of demonstration programs under this  
 21 section; and

22 (5) includes a plan to monitor and measure the  
 23 number of substance abusers—

24 (A) located in each community involved;

25 and

1 (B) who improve the status of their em-  
2 ployment, housing, health, and family life.

3 (d) REPORTS TO CONGRESS.—

4 (1) INTERIM REPORT.—Not later than Sep-  
5 tember 30, 2008, the Attorney General shall submit  
6 to Congress a report that identifies the best prac-  
7 tices relating to the comprehensive and coordinated  
8 treatment of substance abusers, including the best  
9 practices identified through the activities funded  
10 under this section.

11 (2) FINAL REPORT.—Not later than September  
12 30, 2009, the Attorney General shall submit to Con-  
13 gress a report on the demonstration programs fund-  
14 ed under this section, including on the matters spec-  
15 ified in paragraph (1).

16 (e) DEFINITIONS.—In this section:

17 (1) ELIGIBLE PARTNERSHIP.—The term “eligi-  
18 ble partnership” means a partnership that in-  
19 cludes—

20 (A) the applicable Single State Authority  
21 for Substance Abuse;

22 (B) the State, local, territorial, or tribal  
23 criminal or juvenile justice authority involved;

24 (C) a researcher who has experience in evi-  
25 dence-based studies that measure the effective-

ness of treating long-term substance abusers during the period in which such abusers are under the supervision of the criminal or juvenile justice system involved;

(D) community-based organizations that provide drug treatment, related recovery services, job training and placement, educational services, housing assistance, mentoring, or medical services; and

(E) Federal agencies (such as the Drug Enforcement Agency, the Bureau of Alcohol, Tobacco, Firearms, and Explosives, and the office of a United States attorney).

(2) SUBSTANCE ABUSER.—The term “substance abuser” means an individual who—

(A) is in a prison, jail, or juvenile facility;

(B) has abused illegal drugs or alcohol for a number of years; and

(C) is scheduled to be released from prison, jail, or a juvenile facility during the 24-month period beginning on the date the relevant application is submitted under subsection (c).

(3) SINGLE STATE AUTHORITY FOR SUBSTANCE ABUSE.—The term “Single State Authority for Sub-



1       stance Abuse” means an entity designated by the  
2       Governor or chief executive officer of a State as the  
3       single State administrative authority responsible for  
4       the planning, development, implementation, moni-  
5       toring, regulation, and evaluation of substance abuse  
6       services in that State.

7       (f) AUTHORIZATION OF APPROPRIATIONS.—There  
8       are authorized to be appropriated to carry out this section  
9       \$5,000,000 for each of fiscal years 2008 and 2009.

10   **SEC. 5107. EMERGENCY AUTHORITY FOR UNITED STATES**  
11                   **SENTENCING COMMISSION.**

12       (a) IN GENERAL.—The United States Sentencing  
13       Commission, in its discretion, may—

14               (1) promulgate amendments pursuant to the di-  
15       rectives in this subtitle in accordance with the proce-  
16       dure set forth in section 21(a) of the Sentencing Act  
17       of 1987 (Public Law 100–182), as though the au-  
18       thority under that Act had not expired; and

19               (2) pursuant to the emergency authority pro-  
20       vided in paragraph (1), make such conforming  
21       amendments to the Sentencing Guidelines as the  
22       Commission determines necessary to achieve consist-  
23       ency with other guideline provisions and applicable  
24       law.

1 (b) PROMULGATION.—The Commission shall promul-  
2 gate any amendments under subsection (a) promptly so  
3 that the amendments take effect on the same date as the  
4 amendments made by this subtitle.

5 **SEC. 5108. INCREASED PENALTIES FOR MAJOR DRUG TRAF-**  
6 **FICKERS.**

7 (a) INCREASED PENALTIES FOR MANUFACTURE,  
8 DISTRIBUTION, DISPENSATION, OR POSSESSION WITH IN-  
9 TENT TO MANUFACTURE, DISTRIBUTE, OR DISPENSE.—  
10 Section 401(b)(1) of the Controlled Substances Act (21  
11 U.S.C. 841(b)) is amended—

12 (1) in subparagraph (A), by striking  
13 “\$4,000,000”, “\$10,000,000”, “\$8,000,000”, and  
14 “\$20,000,000” and inserting “\$10,000,000”,  
15 “\$50,000,000”, “\$20,000,000”, and “\$75,000,000”,  
16 respectively; and

17 (2) in subparagraph (B), by striking  
18 “\$2,000,000”, “\$5,000,000”, “\$4,000,000”, and  
19 “\$10,000,000” and inserting “\$5,000,000”,  
20 “\$25,000,000”, “\$8,000,000”, and “\$50,000,000”,  
21 respectively.

22 (b) INCREASED PENALTIES FOR IMPORTATION AND  
23 EXPORTATION.—Section 1010(b) of the Controlled Sub-  
24 stances Import and Export Act (21 U.S.C. 960(b)) is  
25 amended—

1 (1) in paragraph (1), by striking “\$4,000,000”,  
 2 “\$10,000,000”, “\$8,000,000”, and “\$20,000,000”  
 3 and inserting “\$10,000,000”, “\$50,000,000”,  
 4 “\$20,000,000”, and “\$75,000,000”, respectively,  
 5 and

6 (2) in paragraph (2), by striking “\$2,000,000”,  
 7 “\$5,000,000”, “\$4,000,000”, and “\$10,000,000”  
 8 and inserting “\$5,000,000”, “\$25,000,000”,  
 9 “\$8,000,000”, and “\$50,000,000”, respectively.

10 **SEC. 5109. AUTHORIZATION OF APPROPRIATIONS AND RE-**  
 11 **QUIRED REPORT.**

12 (a) AUTHORIZATION OF APPROPRIATIONS FOR DE-  
 13 PARTMENT OF JUSTICE.—There is authorized to be ap-  
 14 propriated to the Department of Justice not more than  
 15 \$36,000,000 for each of the fiscal years 2008 and 2009  
 16 for the prosecution of high-level drug offenses, of which—

17 (1) \$15,000,000 is for salaries and expenses of  
 18 the Drug Enforcement Administration;

19 (2) \$15,000,000 is for salaries and expenses for  
 20 the Offices of United States Attorneys;

21 (3) \$4,000,000 each year is for salaries and ex-  
 22 penses for the Criminal Division; and

23 (4) \$2,000,000 is for salaries and expenses for  
 24 the Office of the Attorney General for the manage-  
 25 ment of such prosecutions.

1       (b) AUTHORIZATION OF APPROPRIATIONS FOR DE-  
2 PARTMENT OF TREASURY.—There is authorized to be ap-  
3 propriated to the Department of the Treasury for salaries  
4 and expenses of the Financial Crime Enforcement Net-  
5 work (FINCEN) not more than \$10,000,000 for each of  
6 fiscal years 2008 and 2009 in support of the prosecution  
7 of high-level drug offenses.

8       (c) AUTHORIZATION OF APPROPRIATIONS FOR DE-  
9 PARTMENT OF HOMELAND SECURITY.—There is author-  
10 ized to be appropriated for the Department of Homeland  
11 Security not more than \$10,000,000 for each of fiscal  
12 years 2008 and 2009 for salaries and expenses in support  
13 of the prosecution of high-level drug offenses.

14       (d) ADDITIONAL FUNDS.—Amounts authorized to be  
15 appropriated under this section shall be in addition to  
16 amounts otherwise available for, or in support of, the pros-  
17 ecution of high-level drug offenses.

18       (e) REPORT OF COMPTROLLER GENERAL.—Not later  
19 than 180 days after the end of each of fiscal years 2008  
20 and 2009, the Comptroller General shall submit to the  
21 Committees on the Judiciary and the Committees on Ap-  
22 propriations of the Senate and House of Representatives  
23 a report containing information on the actual uses made  
24 of the funds appropriated pursuant to the authorization  
25 of this section.

1 **SEC. 5110. EFFECTIVE DATE.**

2       The amendments made by this subtitle shall apply to  
3 any offense committed on or after 180 days after the date  
4 of enactment of this Act. There shall be no retroactive ap-  
5 plication of any portion of this subtitle.

6       **Subtitle B—Dextromethorphan**  
7       **Abuse Reduction Act of 2007**

8 **SEC. 5201. SHORT TITLE.**

9       This subtitle may be cited as the “Dextromethorphan  
10 Abuse Reduction Act of 2007”.

11 **SEC. 5202. FINDINGS.**

12       Congress finds the following:

13           (1) When used properly, cough medicines that  
14 contain dextromethorphan have a long history of  
15 being safe and effective. But abuse of  
16 dextromethorphan at high doses can produce halluci-  
17 nations, rapid heart beat, high blood pressure, loss  
18 of consciousness, and seizures. The dangers multiply  
19 when dextromethorphan is abused with alcohol, pre-  
20 scription drugs, or narcotics.

21           (2) Dextromethorphan is inexpensive, legal, and  
22 readily accessible, which has contributed to the in-  
23 creased abuse of that drug, particularly among teen-  
24 agers.

25           (3) Increasing numbers of teens and others are  
26 abusing dextromethorphan by ingesting it in exces-

1       sive quantities. Prolonged use at high doses can lead  
2       to psychological dependence on the drug. Abuse of  
3       dextromethorphan can also cause impaired judg-  
4       ment, which can lead to injury or death.

5           (4) Dextromethorphan abuse increased by a  
6       factor of 10 during the period of 1999 through  
7       2004, with an increase by a factor of 15 among chil-  
8       dren aged 9 to 17 years.

9           (5) An estimated 2,400,000 teenagers (1 in 10)  
10      abused over-the-counter cough medicines in 2005.  
11      Children ages 9 to 17 years are the fastest growing  
12      group of dextromethorphan abusers.

13          (6) The Food and Drug Administration has  
14      called the abuse of dextromethorphan a “serious  
15      issue” and a “disturbing new trend” that can cause  
16      “death as well as other serious adverse events such  
17      as brain damage, seizure, loss of consciousness, and  
18      irregular heartbeat.”.

19          (7) In recognition of the problem, several retail-  
20      ers have voluntarily implemented age restrictions on  
21      purchases of cough and cold medicines containing  
22      dextromethorphan.

23          (8) Prevention is a key component of address-  
24      ing the rise in the abuse of legal medications. Edu-  
25      cation campaigns teaching teens and parents about

1 the dangers of these drugs are an important part of  
2 this effort.

3 **SEC. 5203. DEXTROMETHORPHAN.**

4 (a) DEFINITIONS.—Section 102 of the Controlled  
5 Substances Act (21 U.S.C. 802) is amended by adding at  
6 the end the following:

7 “(50) The term ‘finished dosage form’, relating to  
8 dextromethorphan, means dextromethorphan that—

9 “(A) is—

10 “(i) in a tablet, capsule, solution, liquid, or  
11 other form intended for retail sale, and that  
12 generally contains inactive ingredients; and

13 “(ii) approved under the Federal Food,  
14 Drug, and Cosmetic Act (21 U.S.C. 301 et  
15 seq.) as a nonprescription drug (as that term is  
16 defined in section 760 of that Act (21 U.S.C.  
17 379aa)); or

18 “(B) has been combined with other active or in-  
19 active ingredients during the process of manufac-  
20 turing a tablet, capsule, solution, liquid, or other  
21 form described in subparagraph (A).

22 “(51) The term ‘unfinished’, relating to  
23 dextromethorphan, means any concentration or amount of  
24 dextromethorphan that is not in finished dosage form.”.

1 (b) UNFINISHED DEXTROMETHORPHAN.—Schedule  
 2 V of section 202(c) of the Controlled Substances Act (21  
 3 U.S.C. 812(c)) is amended by adding at the end the fol-  
 4 lowing:

5 “(6) Unfinished dextromethorphan.”.

6 (c) SALES OF DEXTROMETHORPHAN IN FINISHED  
 7 DOSAGE FORM.—

8 (1) IN GENERAL.—Part D of title II of the  
 9 Controlled Substances Act (21 U.S.C. 841 et seq.),  
 10 as amended by this Act, is amended by adding at  
 11 the end the following:

12 **“SEC. 425. CIVIL PENALTIES FOR CERTAIN DEXTRO-**  
 13 **METHORPHAN SALES.**

14 “(a) IN GENERAL.—

15 “(1) SALE.—

16 “(A) IN GENERAL.—Except as provided in  
 17 paragraph (2), it shall be unlawful for any per-  
 18 son to knowingly sell, cause another to sell, or  
 19 conspire to sell a product containing  
 20 dextromethorphan to an individual under the  
 21 age of 18 years, including any such sale using  
 22 the Internet.

23 “(B) FAILURE TO CHECK IDENTIFICA-  
 24 TION.—If a person fails to request identifica-  
 25 tion from an individual under the age of 18



1           years    and    sells    a    product    containing  
2           dextromethorphan to that individual, that per-  
3           son shall be deemed to have known that the in-  
4           dividual was under the age of 18 years.

5                   “(C) AFFIRMATIVE DEFENSE.—It shall be  
6           an affirmative defense to an alleged violation of  
7           subparagraph (A) that the person selling a  
8           product containing dextromethorphan examined  
9           the purchaser’s identification card and, based  
10          on that examination, that person reasonably  
11          concluded that the identification was valid and  
12          indicated that the purchaser was not less than  
13          18 years of age.

14                   “(2) EXCEPTION.—This section shall not apply  
15          to any sale made pursuant to a validly issued pre-  
16          scription.

17                   “(b) FINES.—

18                   “(1) IN GENERAL.—The Attorney General may  
19          impose a civil penalty on a person for violating sub-  
20          section (a)(1)(A), including a violation of that sub-  
21          section committed by an employee or agent of such  
22          person.

23                   “(2) MAXIMUM AMOUNT.—A civil penalty im-  
24          posed under paragraph (1) shall be—

1           “(A) not more than \$1,000 for the first  
2 violation of subsection (a)(1)(A) by a person;

3           “(B) not more than \$2,000 for the second  
4 violation of subsection (a)(1)(A) by a person;  
5 and

6           “(C) not more than \$5,000 for the third  
7 violation, or a subsequent violation, of sub-  
8 section (a)(1)(A) by a person.

9           “(3) NUMBER OF VIOLATIONS.—If a person  
10 makes sales of dextromethorphan at more than 1 lo-  
11 cation, for purposes of determining the number of  
12 violations by that person under this subsection each  
13 individual location operated by that person shall be  
14 considered a separate person.

15          “(c) DEFINITION OF IDENTIFICATION CARD.—In  
16 this section, the term ‘identification card’ means an identi-  
17 fication card that—

18           “(1) includes a photograph and the date of  
19 birth of the individual;

20           “(2) is issued by a State or the Federal Govern-  
21 ment; and

22           “(3) is considered acceptable for purposes of  
23 sections                   274a.2(b)(1)(v)(A)                   and  
24 274a.2(b)(1)(v)(B)(1) of title 8, Code of Federal

1 Regulations (as in effect on or after the date of the  
2 enactment of this section).”.

3 (2) REGULATIONS.—

4 (A) INTERNET SALES.—Not later than 180  
5 days after the date of enactment of this Act,  
6 the Attorney General of the United States shall  
7 promulgate regulations for Internet sales of  
8 products containing dextromethorphan to en-  
9 sure compliance with section 425 of the Con-  
10 trolled Substances Act, as added by this Act.

11 (B) CIVIL PENALTIES.—

12 (i) IN GENERAL.—Not later than 180  
13 days after the date of enactment of this  
14 Act, the Attorney General of the United  
15 States shall promulgate regulations to  
16 carry out section 425 of the Controlled  
17 Substances Act, as added by this Act.

18 (ii) CONTENTS.—The regulations pro-  
19 mulgated under clause (i) shall—

20 (I) provide for a range of fines  
21 for a retailer, based on whether the  
22 retailer or an employee or agent of  
23 that retailer has committed prior vio-  
24 lations of section 425(a) of the Con-

1 trolled Substances Act, as added by  
2 this Act; and

3 (II) require consideration of  
4 whether a fine to be imposed on a re-  
5 tailer should be reduced or eliminated  
6 based on—

7 (aa) the establishment and  
8 administration of an effective em-  
9 ployee training program by a re-  
10 tailer relating to this subtitle and  
11 the amendments made by this  
12 subtitle; or

13 (bb) other actions taken by  
14 a retailer to ensure compliance  
15 with this subtitle and the amend-  
16 ments made by this subtitle.

17 (C) DEFINITION OF RETAILER.—In this  
18 paragraph, the term “retailer” means a grocery  
19 store, general merchandise store, drug store,  
20 convenience store, or other entity or person  
21 whose activities as a distributor relating to  
22 products containing dextromethorphan are lim-  
23 ited almost exclusively to sales for personal use,  
24 both in number of sales and volume of sales, ei-

1           ther directly to walk-in customers or in face-to-  
2           face transactions by direct sales.

3           (3) SENSE OF THE SENATE.—It is the sense of  
4           the Senate that—

5                   (A) manufacturers of products containing  
6                   dextromethorphan should contain language on  
7                   packages cautioning consumers about the dan-  
8                   gers of dextromethorphan misuse; and

9                   (B) retailers selling products containing  
10                  dextromethorphan should impose appropriate  
11                  safeguards to protect against the theft of such  
12                  products.

13          (d) PREVENTION FUNDING.—

14                  (1) THE PARTNERSHIP FOR A DRUG-FREE  
15                  AMERICA.—

16                          (A) IN GENERAL.—The Director of Na-  
17                          tional Drug Control Policy shall make a di-  
18                          rected grant to the Partnership for a Drug-  
19                          Free America to provide education to individ-  
20                          uals under the age of 18 years and parents re-  
21                          garding preventing the abuse of prescription  
22                          and nonprescription drugs (including  
23                          dextromethorphan).

24                          (B) AUTHORIZATION OF APPROPRIA-  
25                          TIONS.—In addition to any other amounts au-

1           thorized to be appropriated, there are author-  
2           ized to be appropriated \$4,000,000 for each of  
3           fiscal years 2008 through 2010 to carry out  
4           this paragraph.

5           (2) COMMUNITY ANTI-DRUG COALITION OF  
6           AMERICA.—

7                   (A) IN GENERAL.—The Director of Na-  
8           tional Drug Control Policy shall make a di-  
9           rected grant to the Community Anti-Drug Coa-  
10          lition of America to provide education, training,  
11          and technical assistance to community coali-  
12          tions regarding preventing the abuse of pre-  
13          scription and nonprescription drugs (including  
14          dextromethorphan).

15                  (B) AUTHORIZATION OF APPROPRIA-  
16          TIONS.—There are authorized to be appro-  
17          priated \$4,000,000 for each of fiscal years  
18          2008 through 2010 to carry out this paragraph.

19           (3) SUPPLEMENT NOT SUPPLANT.—Grant  
20          funds provided under this subsection shall be used to  
21          supplement, not supplant, Federal and non-Federal  
22          funds available for carrying out the activities de-  
23          scribed in this subsection.

1       (e) SUPPLEMENTAL GRANTS FOR COMMUNITIES  
2 WITH MAJOR PRESCRIPTION AND NONPRESCRIPTION  
3 DRUG ISSUES.—

4           (1) DEFINITIONS.—In this subsection—

5               (A) the term “Administrator” means the  
6 Administrator of the Substance Abuse and  
7 Mental Health Services Administration;

8               (B) the term “drug” has the meaning  
9 given that term in section 201 of the Federal  
10 Food, Drug, and Cosmetic Act (21 U.S.C.  
11 321);

12              (C) the term “eligible entity” means an or-  
13 ganization that—

14                   (i) on or before the date of submitting  
15 an application for a grant under this sub-  
16 section, receives a grant under the Drug-  
17 Free Communities Act of 1997 (21 U.S.C.  
18 1521 et seq.); and

19                   (ii) has documented, using local data,  
20 rates of prescription or nonprescription  
21 drug abuse above national averages, as de-  
22 termined by the Administrator (including  
23 appropriate consideration of the Moni-  
24 toring the Future Survey by the University  
25 of Michigan), for comparable time periods;

1 (D) the term “nonprescription drug” has  
2 the meaning given that term in section 760 of  
3 the Federal Food, Drug, and Cosmetic Act (21  
4 U.S.C. 379aa); and

5 (E) the term “prescription drug” means a  
6 drug described in section 503(b)(1) of the Fed-  
7 eral Food, Drug, and Cosmetic Act (21 U.S.C.  
8 353(b)(1)).

9 (2) AUTHORIZATION OF PROGRAM.—The Ad-  
10 ministrator, in consultation with the Director of the  
11 Office of National Drug Control Policy, may make  
12 enhancement grants to eligible entities to implement  
13 comprehensive community-wide strategies that ad-  
14 dress abuse of prescription and nonprescription  
15 drugs.

16 (3) APPLICATION.—

17 (A) IN GENERAL.—An eligible entity desir-  
18 ing an enhancement grant under this subsection  
19 shall submit an application to the Adminis-  
20 trator at such time, in such manner, and ac-  
21 companied by such information as the Adminis-  
22 trator may require.

23 (B) CRITERIA.—As part of an application  
24 for a grant under this subsection, the Adminis-  
25 trator shall require an eligible entity to submit



1 a detailed, comprehensive, multisector plan for  
2 addressing abuse of prescription and non-  
3 prescription drugs.

4 (4) USES OF FUNDS.—An eligible entity that  
5 receives a grant under this subsection shall use the  
6 grant funds for implementing a comprehensive, com-  
7 munity-wide strategy that addresses abuse of pre-  
8 scription and nonprescription drugs issues in that  
9 community, in accordance with the plan submitted  
10 under paragraph (3)(B).

11 (5) GRANT TERMS.—A grant under this sub-  
12 section—

13 (A) shall be made for a period of not more  
14 than 4 years; and

15 (B) shall not be in an amount of more  
16 than \$50,000 per year.

17 (6) SUPPLEMENT NOT SUPPLANT.—Grant  
18 funds provided under this subsection shall be used to  
19 supplement, not supplant, Federal and non-Federal  
20 funds available for carrying out the activities de-  
21 scribed in this subsection.

22 (7) EVALUATION.—A grant under this sub-  
23 section shall be subject to the same evaluation re-  
24 quirements and procedures as the evaluation re-  
25 quirements and procedures imposed on the recipient

1 of a grant under the Drug-Free Communities Act of  
2 1997 (21 U.S.C. 1521 et seq.).

3 (8) ADMINISTRATIVE EXPENSES.—Not more  
4 than 6 percent of a grant under this subsection may  
5 be expended for administrative expenses.

6 (9) AUTHORIZATION OF APPROPRIATIONS.—  
7 There are authorized to be appropriated \$4,000,000  
8 for each of fiscal years 2008 through 2010 to carry  
9 out this subsection.

10 (f) DATA COLLECTION.—It is the Sense of the Senate  
11 that Federal agencies and grantees that collect data on  
12 drug use trends should ensure that the survey instruments  
13 used by such agencies and grantees include questions to  
14 ascertain changes in the trend of abuse of prescription and  
15 nonprescription drugs.

16 (g) TECHNICAL AND CONFORMING AMENDMENTS.—

17 (1) IN GENERAL.—Section 201(g) of the Con-  
18 trolled Substances Act (21 U.S.C. 811(g)) is amend-  
19 ed—

20 (A) by striking paragraph (2); and

21 (B) by redesignating paragraph (3) as  
22 paragraph (2).

23 (2) TABLE OF CONTENTS.—The table of con-  
24 tents for the Comprehensive Drug Abuse Prevention  
25 and Control Act of 1970 (Public Law 91–513; 84

1 Stat. 1236) is amended by inserting after the item  
2 relating to section 424, as added by this Act, the fol-  
3 lowing:

“Sec. 425. Dextromethorphan sales.”.

4 **Subtitle C—Recognizing Addiction**  
5 **as a Disease Act of 2007**

6 **SEC. 5301. SHORT TITLE.**

7 This subtitle may be cited as the “Recognizing Addic-  
8 tion as a Disease Act of 2007”.

9 **SEC. 5302. FINDINGS.**

10 Congress makes the following findings:

11 (1) Addiction is a chronic, relapsing brain dis-  
12 ease that is characterized by compulsive drug seek-  
13 ing and use, despite harmful consequences. It is con-  
14 sidered a brain disease because drugs change the  
15 brain’s structure and manner in which it functions.  
16 These brain changes can be long lasting, and can  
17 lead to the harmful behaviors seen in people who  
18 abuse drugs. The disease of addiction affects both  
19 brain and behavior, and scientists have identified  
20 many of the biological and environmental factors  
21 that contribute to the development and progression  
22 of the disease.

23 (2) The pejorative term “abuse” used in con-  
24 nection with diseases of addiction has the adverse ef-  
25 fect of increasing social stigma and personal shame,

1       both of which are so often barriers to an individual's  
2       decision to seek treatment.

3   **SEC. 5303. NAME CHANGE.**

4       (a) PUBLIC HEALTH SERVICE ACT.—The Public  
5   Health Service Act is amended—

6           (1) in section 208(g) (42 U.S.C. 210(g)), by  
7       striking “National Institute on Alcohol Abuse and  
8       Alcoholism” and inserting “National Institute on Al-  
9       cohol Disorders and Health”;

10          (2) in section 401(b) (42 U.S.C. 281(b))—

11           (A) in paragraph (12), by striking “Na-  
12       tional Institute on Alcohol Abuse and Alco-  
13       holism” and inserting “National Institute on  
14       Alcohol Disorders and Health”; and

15           (B) in paragraph (13), by striking “Na-  
16       tional Institute on Drug Abuse” and inserting  
17       “National Institute on Diseases of Addiction”;

18          (3) in subpart 14 of part C of title IV (42  
19   U.S.C. 285n et seq.)—

20           (A) in the subpart heading by striking “Al-  
21       cohol Abuse and Alcoholism” and inserting “Al-  
22       cohol Disorders and Health”;

23          (B) in section 464H (42 U.S.C. 285n)—

24           (i) in subsection (a), by striking “Na-  
25       tional Institute on Alcohol Abuse and Alco-

1 holism” and inserting “National Institute  
2 on Alcohol Disorders and Health”; and

3 (ii) in subsection (b)—

4 (I) in paragraph (3), by striking  
5 “Alcohol Abuse and Alcoholism” and  
6 inserting “Alcohol Disorders and  
7 Health”;

8 (II) in paragraph (5), by striking  
9 “National Institute of Drug Abuse”  
10 and inserting “National Institute on  
11 Diseases of Addiction”; and

12 (III) in paragraph (10), by strik-  
13 ing “Alcohol Abuse and Alcoholism”  
14 and inserting “Alcohol Disorders and  
15 Health”; and

16 (C) in section 464P (42 U.S.C. 285o–4)—

17 (i) in subsection (a)(7), by striking  
18 “National Institute on Alcohol Abuse and  
19 Alcoholism” and inserting “National Insti-  
20 tute on Alcohol Disorders and Health”;  
21 and

22 (ii) in subsection (b)(3), by striking  
23 “Council on Drug Abuse” and inserting  
24 “Council on Diseases of Addiction”; and

1 (4) in subpart 15 of part C of title IV (42  
2 U.S.C. 285o et seq.)—

3 (A) in the subpart heading by striking  
4 “Drug Abuse” and inserting “Diseases of Ad-  
5 diction”; and

6 (B) in section 464L(a) (42 U.S.C.  
7 285o(a)), by striking “National Institute on  
8 Drug Abuse” and inserting “National Institute  
9 on Diseases of Addiction”;

10 (5) in section 501 (42 U.S.C. 290aa)—

11 (A) by striking “National Institute on Al-  
12 cohol Abuse and Alcoholism” each place that  
13 such appears and inserting “National Institute  
14 on Alcohol Disorders and Health”; and

15 (B) by striking “National Institute on  
16 Drug Abuse” each place that such appears and  
17 inserting “National Institute on Diseases of Ad-  
18 diction”;

19 (6) in section 507 (42 U.S.C. 290bb)—

20 (A) by striking “National Institute on Al-  
21 cohol Abuse and Alcoholism” each place that  
22 such appears and inserting “National Institute  
23 on Alcohol Disorders and Health”; and

24 (B) by striking “National Institute on  
25 Drug Abuse” each place that such appears and

1 inserting “National Institute on Diseases of Ad-  
2 diction”;

3 (7) in section 513 (42 U.S.C. 290bb–6), by  
4 striking “NATIONAL INSTITUTE ON DRUG ABUSE” in  
5 the section heading and inserting “NATIONAL INSTI-  
6 TUTE ON DISEASES OF ADDICTION”;

7 (8) in section 530 (42 U.S.C. 290cc–30)—

8 (A) by striking “National Institute of Alco-  
9 hol Abuse and Alcoholism” and inserting “Na-  
10 tional Institute on Alcohol Disorders and  
11 Health”; and

12 (B) by striking “National Institute on  
13 Drug Abuse” and inserting “National Institute  
14 on Diseases of Addiction”; and

15 (9) in section 1918(a)(8)(B) (42 U.S.C. 300x–  
16 7(a)(8)(B)), by striking “National Institute on Drug  
17 Abuse” each place that such appears and inserting  
18 “National Institute on Diseases of Addiction”.

19 (b) OTHER ACTS.—

20 (1) TITLE 5, UNITED STATES CODE.—Section  
21 7361(a) of title 5, United States Code, is amended  
22 by striking “National Institute on Drug Abuse” and  
23 inserting “National Institute on Diseases of Addic-  
24 tion”.

1           (2) COMPREHENSIVE SMOKING EDUCATION  
2     ACT.—Section 3(b)(1)(A) of the Comprehensive  
3     Smoking Education Act (15 U.S.C. 1341(b)(1)(A))  
4     is amended by striking “National Institute on Drug  
5     Abuse” and inserting “National Institute on Dis-  
6     eases of Addiction”.

7           (3) ELEMENTARY AND SECONDARY EDUCATION  
8     ACT OF 1965.—Section 4124(a)(2) of the Elementary  
9     and Secondary Education Act of 1965 (20 U.S.C.  
10    7134 (a)(2)) is amended—

11           (A) in subparagraph (C), by striking “Na-  
12           tional Institute on Drug Abuse” and inserting  
13           “National Institute on Diseases of Addiction”;  
14           and

15           (B) in subparagraph (D), by striking “Na-  
16           tional Institute on Alcoholism and Alcohol  
17           Abuse” and inserting “National Institute on Al-  
18           cohol Disorders and Health”.

19           (4) CONTROLLED SUBSTANCES ACT.—Section  
20     303(g)(2)(H) of the Controlled Substances Act (21  
21     U.S.C. 823(g)(2)(H)) is amended by striking “Na-  
22     tional Institute on Drug Abuse” each place that  
23     such appears and inserting “National Institute on  
24     Diseases of Addiction”.



1           (5) DRUG ABUSE, PREVENTION, TREATMENT,  
2           AND REHABILITATION ACT.—The Drug Abuse, Pre-  
3           vention, Treatment, and Rehabilitation Act is  
4           amended—

5                   (A) in section 410(1) (21 U.S.C. 1177(a)),  
6           by striking “National Institute on Drug Abuse”  
7           and inserting “National Institute on Diseases  
8           of Addiction”; and

9                   (B) in section 412(a) (21 U.S.C. 1179(A)),  
10          by striking “National Institute on Drug Abuse”  
11          and inserting “National Institute on Diseases  
12          of Addiction”.

13          (c) REFERENCE.—Any reference in any law, regula-  
14          tion, order, document, paper, or other record of the United  
15          States to the “National Institute on Drug Abuse”, the  
16          “National Institute on Alcohol Abuse and Alcoholism”, the  
17          “National Advisory Council on Alcohol Abuse and Alco-  
18          holism”, and the “National Advisory Council on Drug  
19          Abuse” shall be deemed to be a reference to the “National  
20          Institute on Diseases of Addiction”, the “National Insti-  
21          tute on Alcohol Disorders and Health”, the “National Ad-  
22          visory Council on Alcohol Disorders and Health”, and the  
23          “National Advisory Council on Diseases of Addiction”, re-  
24          spectively.

1 (d) RULE OF CONSTRUCTION.—Nothing in this sub-  
2 title shall be construed to alter the mission of the National  
3 Institute on Alcohol Abuse and Alcoholism (renamed the  
4 National Institute on Alcohol Disorders and Health) or  
5 the National Institute on Drug Abuse (as renamed the  
6 National Institute on Diseases of Addiction) or have any  
7 substantive effect on the duties or responsibilities of such  
8 Institutes.

9 **Subtitle D—Children of Addicted**  
10 **Parents of 2007**

11 **SEC. 5401. SHORT TITLE.**

12 This subtitle may be cited as the “Children of Ad-  
13 dicted Parents Act of 2007”.

14 **SEC. 5402. FINDINGS.**

15 Congress find the following:

16 (1) Children of addicted parents are at highest  
17 risk for early alcohol and drug use and addiction, for  
18 being victims of abuse and neglect, for developing  
19 early mental health problems, for developmental  
20 damage from the chronic emotional stress of living  
21 in addicted families, for joining gangs, and for en-  
22 tering the juvenile justice system. One in 4 children  
23 under the age of 18 lives in a family with alcohol  
24 abuse or alcohol addiction. Millions more live with a  
25 parent who is addicted to drugs.

1           (2) Early age-appropriate preventive interven-  
 2           tions for these children, such as targeted educational  
 3           support programs that could be offered in schools,  
 4           social service agencies, addiction treatment pro-  
 5           grams, community and faith-based youth service or-  
 6           ganizations, and in early childhood programs, can  
 7           support these young people in developing resilience,  
 8           making healthy choices, and preventing them from  
 9           entering the juvenile justice system or developing al-  
 10          cohol or drug use problems.

11          (3) Low-cost and targeted prevention services in  
 12          the community systems where children are most  
 13          readily found provide the possibility of reducing the  
 14          high-cost services required once a young person en-  
 15          ters the juvenile justice system.

16 **SEC. 5403. DEFINITIONS.**

17          In this subtitle:

18          (1) CARETAKER.—The term “caretaker”, with  
 19          respect to a child of an alcohol or drug addicted par-  
 20          ent, means any individual acting in a parental role  
 21          regarding the child (including any birth parent, fos-  
 22          ter parent, adoptive parent, relative of such a child,  
 23          or other individual acting in such a role).

24          (2) CHILDREN OF ADDICTED PARENTS.—The  
 25          term “children of addicted parents” means—

1 (A) children who have lived or are living in  
2 a household with an addicted individual acting  
3 in a parental role for the children, including but  
4 not limited to children of incarcerated parents,  
5 children of divorced parents, and children in  
6 foster care; and

7 (B) children who have been prenatally ex-  
8 posed to alcohol or other drugs.

9 (3) INDIAN TRIBE.—The term “Indian tribe”  
10 means any tribe, band, nation, or other organized  
11 group or community of Indians, including urban In-  
12 dians and any Alaska Native village (as defined in,  
13 or established pursuant to, the Alaska Native Claims  
14 Settlement Act (43 U.S.C. 1601 et seq.)), that is  
15 recognized as eligible for the special programs and  
16 services provided by the United States to Indians be-  
17 cause of their status as Indians.

18 (4) PUBLIC OR NONPROFIT PRIVATE ENTI-  
19 TIES.—The term “public or nonprofit private enti-  
20 ties” includes community-based organizations, local  
21 public health departments, community action organi-  
22 zations, faith organizations, local school systems,  
23 child welfare agencies, family resource and support  
24 programs, Indian organizations, including urban In-

1       dian agencies, and national nonprofit organizations  
2       working with these local entities.

3   **SEC. 5404. GRANT PROGRAM.**

4       (a) IN GENERAL.—The Attorney General, acting  
5       through the Director of the Office of Juvenile Justice Pro-  
6       grams, shall make grants to public and nonprofit private  
7       entities, for the purpose of carrying out programs—

8               (1) to provide developmentally and age-appro-  
9       priate educational support group services to children  
10      of addicted parents, including services similar to  
11      those used in student assistance programs and ad-  
12      diction treatment programs for the children of cli-  
13      ents in treatment in various community-based set-  
14      tings, such as youth service agencies, schools, family  
15      social services agencies, Head Start programs, after-  
16      school programs, juvenile, and family drug court  
17      programs, early childhood development programs,  
18      and addiction treatment programs; and

19              (2) to train educational support group  
20      facilitators and program implementers who will ini-  
21      tiate, provide, and sustain support group program  
22      services to children of addicted parents under this  
23      section.

24      (b) SERVICES FOR CHILDREN OF ADDICTED PAR-  
25      ENTS.—The Attorney General may make a grant under

1 this section only if the applicant involved agrees to make  
2 available (directly or through agreements with other enti-  
3 ties) to children of addicted parents each of the following  
4 services:

5           (1) Developmentally and age-appropriate edu-  
6           cational support groups that focus on the needs of  
7           children of addicted parents, promote resilience, and  
8           include drug and alcohol early intervention and pre-  
9           vention services.

10           (2) Aggressive outreach to children living in  
11           families with an alcohol or drug addicted parent,  
12           other caretaker, or addicted sibling.

13           (3) Parenting education services and parent  
14           support groups may be offered under this grant for  
15           caretakers of any child enrolled in a support group  
16           program funded under this grant and which include  
17           child abuse and neglect prevention techniques.

18           (c) TRANSPORTATION SERVICES.—If a demonstrated  
19           need exists and where appropriate, transportation services  
20           may be offered for children participating in a support  
21           group program supported by a grant under this section.

22           (d) SERVICES.—Services under a program supported  
23           by a grant under this section shall be provided by a—

1           (1) social worker, student assistance profes-  
2           sional, school counselor, family counselor, or similar  
3           professional;

4           (2) a trained worker from the community who  
5           is supervised by a professional; or

6           (3) a professional or entity that provides assur-  
7           ances that the professional or entity is licensed or  
8           certified by the State if required and is complying  
9           with applicable licensure or certification require-  
10          ments.

11 **SEC. 5405. TRAINING FOR PROVIDERS.**

12          (a) FINDING.—Congress finds that facilitator train-  
13          ing is critical to the effective implementation of edu-  
14          cational support group programs for children of addicted  
15          parents.

16          (b) GRANT.—The Attorney General may make a  
17          grant under this section for the training of the authorized  
18          service providers in section 5404.

19          (c) PURPOSE.—The purpose of training under this  
20          section shall be—

21               (1) to assist professionals and community pre-  
22               vention workers in recognizing children who have al-  
23               cohol and drug abuse problems in their families; and

24               (2) to enhance the skills of the authorized serv-  
25               ice providers in section 5404 in providing supportive

1 preventive interventions and educational support  
2 groups for such children.

3 (d) ELIGIBLE ENTITIES.—The Attorney General  
4 shall award the training grant under this section to an  
5 eligible national nonprofit entity with demonstrated exper-  
6 tise in the impact of addiction on children, a history of  
7 providing effective training for the establishment and sus-  
8 tainability of educational support programs for children  
9 of addicted parents in schools, treatment programs, youth  
10 organizations, and faith organizations, and with broad  
11 linkages with community-based alcohol and drug preven-  
12 tion programs.

13 **SEC. 5406. AUTHORIZATION OF APPROPRIATIONS.**

14 For the purposes of carrying out this subtitle, there  
15 are authorized to be appropriated—

16 (1) for the grant program under section 5404,  
17 \$10,000,000 for fiscal year 2008, \$11,000,000 for  
18 fiscal year 2009, \$12,000,000 for fiscal year 2010,  
19 \$13,000,000 for fiscal year 2011, and \$14,000,000  
20 for fiscal year 2012; and

21 (2) for the training of providers under section  
22 5405, \$500,000 for fiscal year 2008, \$550,000 for  
23 fiscal year 2009, \$600,000 for fiscal year 2010,  
24 \$650,000 for fiscal year 2011, and \$700,000 for fis-  
25 cal year 2012.



## 1     **Subtitle E—Online Pharmacy Bill**

### 2     **SEC. 5501. SHORT TITLE.**

3           This subtitle may be cited as the “Ryan Haight On-  
4 line Pharmacy Consumer Protection Act of 2007”.

### 5     **SEC. 5502. REQUIREMENT OF A VALID PRESCRIPTION FOR** 6                     **CONTROLLED SUBSTANCES DISPENSED BY** 7                     **MEANS OF THE INTERNET.**

8           Section 309 of the Controlled Substances Act (21  
9 U.S.C. 829) is amended by adding at the end the following  
10 new subsection:

11           “(e) CONTROLLED SUBSTANCES DISPENSED BY  
12 MEANS OF THE INTERNET.—

13                     “(1) No controlled substance may be delivered,  
14 distributed, or dispensed by means of the Internet  
15 without a valid prescription.

16                     “(2) As used in this subsection:

17                             “(A) The term ‘valid prescription’ means a  
18 prescription that is issued for a legitimate med-  
19 ical purpose in the usual course of professional  
20 practice by—

21                                     “(i) a practitioner who has conducted  
22 at least one in-person medical evaluation of  
23 the patient; or

24                                     “(ii) a covering practitioner.

1           “(B)(i) The term ‘in-person medical eval-  
2           uation’ means a medical evaluation that is con-  
3           ducted with the patient in the physical presence  
4           of the practitioner, without regard to whether  
5           portions of the evaluation are conducted by  
6           other health professionals.

7           “(ii) Nothing in clause (i) shall be con-  
8           strued to imply that one in-person medical eval-  
9           uation demonstrates that a prescription has  
10          been issued for a legitimate medical purpose  
11          within the usual course of professional practice.

12          “(C) The term ‘covering practitioner’  
13          means, with respect to a patient, a practitioner  
14          who conducts a medical evaluation (other than  
15          an in-person medical evaluation) at the request  
16          of a practitioner who—

17               “(i) has conducted at least one in-per-  
18               son medical evaluation of the patient dur-  
19               ing the 24-month period ending on the  
20               date of that medical evaluation; and

21               “(ii) is temporarily unavailable to con-  
22               duct the evaluation of the patient.

23          “(3) Nothing in this subsection shall apply to—

24               “(A) the delivery, distribution, or dis-  
25               pensing of a controlled substance by a practi-

tioner engaged in the practice of telemedicine  
if—

“(i) the telemedicine is being conducted while the patient is being treated by, and physically located in, a hospital or clinic registered under section 303(f), and the practitioner conducting the practice of telemedicine is registered under section 303(f) in the State in which the patient is located and is acting in the usual course of professional practice and in accordance with applicable State law;

“(ii) the telemedicine is being conducted while the patient is being treated by, and in the physical presence of, a practitioner registered under section 303(f) who is acting in the usual course of professional practice, and the practitioner conducting the practice of telemedicine is registered under section 303(f) in the State in which the patient is located and is acting in the usual course of professional practice and in accordance with applicable State law; or

1                   “(iii) the telemedicine is being con-  
 2                   ducted under any other circumstances that  
 3                   the Attorney General and the Secretary  
 4                   have jointly, by regulation, determined to  
 5                   be consistent with effective controls against  
 6                   diversion and otherwise consistent with the  
 7                   public health and safety; or

8                   “(B) the dispensing or selling of a con-  
 9                   trolled substance pursuant to practices as deter-  
 10                  mined by the Attorney General by regulation,  
 11                  which shall be consistent with effective controls  
 12                  against diversion.”.

13 **SEC. 5503. AMENDMENTS TO THE CONTROLLED SUB-**  
 14 **STANCES ACT RELATING TO THE DELIVERY**  
 15 **OF CONTROLLED SUBSTANCES BY MEANS OF**  
 16 **THE INTERNET.**

17           (a) IN GENERAL.—Section 102 of the Controlled  
 18 Substances Act (21 U.S.C. 802), as amended by this Act,  
 19 is amended by adding at the end the following:

20                   “(52) The term ‘Internet’ means collectively the  
 21                   myriad of computer and telecommunications facili-  
 22                   ties, including equipment and operating software,  
 23                   which comprise the interconnected worldwide net-  
 24                   work of networks that employ the Transmission  
 25                   Control Protocol/Internet Protocol, or any prede-

1       cessor or successor protocol to such protocol, to com-  
2       municate information of all kinds by wire or radio.

3           “(53) The term ‘deliver, distribute, or dispense  
4       by means of the Internet’ refers, respectively, to any  
5       delivery, distribution, or dispensing of a controlled  
6       substance that is caused or facilitated by means of  
7       the Internet.

8           “(54) The term ‘online pharmacy’—

9           “(A) means a person, entity, or Internet  
10       site, whether in the United States or abroad,  
11       that knowingly or intentionally delivers, distrib-  
12       utes, or dispenses, or offers or attempts to de-  
13       liver, distribute, or dispense, a controlled sub-  
14       stance by means of the Internet; and

15          “(B) does not include—

16           “(i) manufacturers or distributors  
17       registered under subsection (a), (b), (c), or  
18       (d) of section 303 who do not dispense  
19       controlled substances to an unregistered  
20       individual or entity;

21           “(ii) nonpharmacy practitioners who  
22       are registered under section 303(f) and  
23       whose activities are authorized by that reg-  
24       istration;

1                   “(iii) mere advertisements that do not  
2                   attempt to facilitate an actual transaction  
3                   involving a controlled substance; or

4                   “(iv) a person, entity, or Internet site  
5                   which is not in the United States and does  
6                   not facilitate the delivery, distribution, or  
7                   dispensing of a controlled substance by  
8                   means of the Internet to any person in the  
9                   United States.

10                  “(55) The term ‘homepage’ means the opening  
11                  or main page or screen of the website of an online  
12                  pharmacy that is viewable on the Internet.

13                  “(56) The term ‘practice of telemedicine’ means  
14                  the practice of medicine in accordance with applica-  
15                  ble Federal and State laws by a practitioner (other  
16                  than a pharmacist) who is at a location remote from  
17                  the patient and is communicating with the patient,  
18                  or health care professional who is treating the pa-  
19                  tient, using a telecommunications system referred to  
20                  in section 1834(m) of the Social Security Act (42  
21                  U.S.C. 1395m(m)).”.

22                  (b) REGISTRATION REQUIREMENTS.—Section 303 of  
23                  the Controlled Substances Act (21 U.S.C. 823) is amend-  
24                  ed by adding at the end the following new subsection:

1       “(i) DISPENSER OF CONTROLLED SUBSTANCES BY  
 2 MEANS OF THE INTERNET.—(1) An online pharmacy  
 3 shall obtain a registration specifically authorizing such ac-  
 4 tivity, in accordance with regulations promulgated by the  
 5 Attorney General. In determining whether to grant an ap-  
 6 plication for such registration, the Attorney General shall  
 7 apply the factors set forth in subsection (f).

8       “(2) Registration under this subsection shall be in  
 9 addition to, and not in lieu of, registration under sub-  
 10 section (f).

11       “(3) This subsection does not apply to pharmacies  
 12 that merely advertise by means of the Internet but do not  
 13 attempt to facilitate an actual transaction involving a con-  
 14 trolled substance by means of the Internet.”.

15       (c) REPORTING REQUIREMENTS.—Section 307(d) of  
 16 the Controlled Substances Act (21 U.S.C. 827(d)) is  
 17 amended by—

18               (1) designating the text as paragraph (1); and

19               (2) inserting after paragraph (1), as so des-  
 20 ignated by this Act, the following new paragraph:

21       “(2) A pharmacy registered under section 303(i) shall  
 22 report to the Attorney General the controlled substances  
 23 dispensed under such registration, in such manner and ac-  
 24 companied by such information as the Attorney General  
 25 by regulation shall require.”.

1 (d) ONLINE PRESCRIPTION REQUIREMENTS.—The  
2 Controlled Substances Act is amended by inserting after  
3 section 310 (21 U.S.C. 830) the following:

4 “ONLINE PHARMACY LICENSING AND DISCLOSURE  
5 REQUIREMENTS

6 “SEC. 311. (a) IN GENERAL.—An online pharmacy  
7 shall display in a visible and clear manner on its homepage  
8 a statement that it complies with the requirements of this  
9 section with respect to the delivery or sale or offer for sale  
10 of controlled substances and shall at all times display on  
11 the homepage of its Internet site a declaration of compli-  
12 ance in accordance with this section.

13 “(b) LICENSURE.—Each online pharmacy shall com-  
14 ply with the requirements of State law concerning the li-  
15 censure of pharmacies in each State from which it, and  
16 in each State to which it, delivers, distributes, or dispenses  
17 or offers to deliver, distribute, or dispense controlled sub-  
18 stances by means of the Internet.

19 “(c) COMPLIANCE.—No online pharmacy or practi-  
20 tioner shall deliver, distribute, or dispense by means of the  
21 Internet a controlled substance without a valid prescrip-  
22 tion (as defined in section 309(e)) and each online phar-  
23 macy shall comply with all applicable requirements of Fed-  
24 eral and State law.

25 “(d) INTERNET PHARMACY SITE DISCLOSURE IN-  
26 FORMATION.—Each online pharmacy site shall post in a



1 visible and clear manner on the homepage of its Internet  
2 site or on a page directly linked from its homepage the  
3 following:

4           “(1) The name of the owner, street address of  
5 the online pharmacy’s principal place of business,  
6 telephone number, and email address.

7           “(2) A list of the States in which the online  
8 pharmacy, and any pharmacy which dispenses, deliv-  
9 ers, or distributes a controlled substance on behalf  
10 of the online pharmacy, is licensed to dispense con-  
11 trolled substances or prescription drugs and any ap-  
12 plicable license number.

13           “(3) For each pharmacy identified on its license  
14 in each State in which it is licensed to engage in the  
15 practice of pharmacy and for each pharmacy which  
16 dispenses or ships controlled substances on behalf of  
17 the online pharmacy:

18                   “(A) The name of the pharmacy.

19                   “(B) The street address of the pharmacy.

20                   “(C) The name, professional degree, and  
21 licensure of the pharmacist-in-charge.

22                   “(D) The telephone number at which the  
23 pharmacist-in-charge can be contacted.

24                   “(E) A certification that each pharmacy  
25 which dispenses or ships controlled substances

1           on behalf of the online pharmacy is registered  
2           under this part to deliver, distribute, or dis-  
3           pense by means of the Internet controlled sub-  
4           stances.

5           “(4) The name, address, professional degree,  
6           and licensure of practitioners who provide medical  
7           consultations through the website for the purpose of  
8           providing prescriptions.

9           “(5) A telephone number or numbers at which  
10          the practitioners described in paragraph (4) may be  
11          contacted.

12          “(6) The following statement, unless revised by  
13          the Attorney General by regulation: ‘This online  
14          pharmacy will only dispense a controlled substance  
15          to a person who has a valid prescription issued for  
16          a legitimate medical purpose based upon a medical  
17          relationship with a prescribing practitioner, which  
18          includes at least one prior in-person medical evalua-  
19          tion. This online pharmacy complies with section  
20          309(e) of the Controlled Substances Act (21 U.S.C.  
21          829(e)).’.

22          “(e) NOTIFICATION.—(1) Thirty days prior to offer-  
23          ing a controlled substance for sale, delivery, distribution,  
24          or dispensing, the online pharmacy shall notify the Attor-  
25          ney General, in the form and manner as the Attorney Gen-

1 eral shall determine, and the State boards of pharmacy  
2 in any States in which the online pharmacy offers to sell,  
3 deliver, distribute, or dispense controlled substances.

4 “(2) The notification required under paragraph (1)  
5 shall include—

6 “(A) the information required to be posted on  
7 the online pharmacy’s Internet site under subsection  
8 (d) and shall notify the Attorney General and the  
9 applicable State boards of pharmacy, under penalty  
10 of perjury, that the information disclosed on its  
11 Internet site under to subsection (d) is true and ac-  
12 curate;

13 “(B) the online pharmacy’s Internet site ad-  
14 dress and a certification that the online pharmacy  
15 shall notify the Attorney General of any change in  
16 the address at least 30 days in advance; and

17 “(C) the Drug Enforcement Administration  
18 registration numbers of any pharmacies and practi-  
19 tioners referred to in subsection (d), as applicable.

20 “(3) An online pharmacy that is already operational  
21 as of the effective date of this section, shall notify the At-  
22 torney General and applicable State boards of pharmacy  
23 in accordance with this subsection not later than 30 days  
24 after the effective date of this section.

1       “(f) DECLARATION OF COMPLIANCE.—On and after  
 2 the date on which it makes the notification under sub-  
 3 section (e), each online pharmacy shall display on the  
 4 homepage of its Internet site, in such form as the Attorney  
 5 General shall by regulation require, a declaration that it  
 6 has made such notification to the Attorney General.

7       “(g) REPORTS.—Any statement, declaration, notifi-  
 8 cation, or disclosure required under this section shall be  
 9 considered a report required to be kept under this part.”.

10       (e) OFFENSES INVOLVING CONTROLLED SUB-  
 11 STANCES IN SCHEDULES III, IV, AND V.—Section 401(b)  
 12 of the Controlled Substances Act (21 U.S.C. 841(b)) is  
 13 amended—

14               (1) in paragraph (1)—

15                       (A) in subparagraph (C), by striking “1  
 16 gram of” before “flunitrazepam”;

17                       (B) in subparagraph (D), by striking “or  
 18 in the case of any controlled substance in  
 19 schedule III (other than gamma hydroxybutyric  
 20 acid), or 30 milligrams of flunitrazepam”; and

21                       (C) by adding at the end the following:

22                       “(E)(i) In the case of any controlled substance  
 23 in schedule III, such person shall be sentenced to a  
 24 term of imprisonment of not more than 10 years  
 25 and if death or serious bodily injury results from the

1 use of such substance shall be sentenced to a term  
2 of imprisonment of not more than 20 years, a fine  
3 not to exceed the greater of that authorized in ac-  
4 cordance with the provisions of title 18, or \$500,000  
5 if the defendant is an individual or \$2,500,000 if the  
6 defendant is other than an individual, or both.

7 “(ii) If any person commits such a violation  
8 after a prior conviction for a felony drug offense has  
9 become final, such person shall be sentenced to a  
10 term of imprisonment of not more than 20 years  
11 and if death or serious bodily injury results from the  
12 use of such substance shall be sentenced to a term  
13 of imprisonment of not more than 30 years, a fine  
14 not to exceed the greater of twice that authorized in  
15 accordance with the provisions of title 18, or  
16 \$1,000,000 if the defendant is an individual or  
17 \$5,000,000 if the defendant is other than an indi-  
18 vidual, or both.

19 “(iii) Any sentence imposing a term of impris-  
20 onment under this subparagraph shall, in the ab-  
21 sence of such a prior conviction, impose a term of  
22 supervised release of at least 2 years in addition to  
23 such term of imprisonment and shall, if there was  
24 such a prior conviction, impose a term of supervised

1 release of at least 4 years in addition to such term  
2 of imprisonment”;

3 (2) in paragraph (2) by—

4 (A) striking “3 years” and inserting “5  
5 years”;

6 (B) striking “6 years” and inserting “10  
7 years”;

8 (C) striking “after one or more prior con-  
9 victions” and all that follows through “have be-  
10 come final,” and inserting “after a prior convic-  
11 tion for a felony drug offense has become  
12 final,”; and

13 (3) in paragraph (3) by—

14 (A) striking “2 years” and inserting “6  
15 years”;

16 (B) striking “after one or more convic-  
17 tions” and all that follows through “have be-  
18 come final,” and inserting “after a prior convic-  
19 tion for a felony drug offense has become  
20 final,”; and

21 (C) adding at the end the following “Any  
22 sentence imposing a term of imprisonment  
23 under this paragraph may, if there was a prior  
24 conviction, impose a term of supervised release

1           of not more than 1 year, in addition to such  
2           term of imprisonment.”

3           (f) OFFENSES INVOLVING DISPENSING OF CON-  
4 TROLLED SUBSTANCES BY MEANS OF THE INTERNET.—  
5 Section 401 of the Controlled Substances Act (21 U.S.C.  
6 841) is amended by adding at the end the following:

7           “(h) OFFENSES INVOLVING DISPENSING OF CON-  
8 TROLLED SUBSTANCES BY MEANS OF THE INTERNET.—  
9 (1) Except as authorized by this title, it shall be unlawful  
10 for any person to knowingly or intentionally cause or fa-  
11 cilitate the delivery, distribution, or dispensing by means  
12 of the Internet of a controlled substance.

13           “(2) Examples of activities that violate paragraph (1)  
14 include, but are not limited to, knowingly or inten-  
15 tionally—

16           “(A) delivering, distributing, or dispensing a  
17 controlled substance by means of the Internet by a  
18 pharmacy not registered under section 303(i);

19           “(B) writing a prescription for a controlled sub-  
20 stance for the purpose of delivery, distribution, or  
21 dispensation by means of the Internet in violation of  
22 subsection 309(e);

23           “(C) serving as an agent, intermediary, or other  
24 entity that causes the Internet to be used to bring  
25 together a buyer and seller to engage in the dis-

1       pensing of a controlled substance in a manner not  
2       authorized by sections 303(i) or 309(e); and

3               “(D) making a material false, fictitious, or  
4       fraudulent statement or representation in the sub-  
5       mission to the Attorney General under section 311.

6       “(3)(A) This subsection does not apply to—

7               “(i) the delivery, distribution, or dispensation of  
8       controlled substances by nonpractitioners to the ex-  
9       tent authorized by their registration under this title;

10              “(ii) the placement on the Internet of material  
11       that merely advocates the use of a controlled sub-  
12       stance or includes pricing information without at-  
13       tempting to propose or facilitate an actual trans-  
14       action involving a controlled substance; or

15              “(iii) except as provided in subparagraph (B),  
16       any activity that is limited to—

17               “(I) the provision of a telecommunications  
18       service, or of an Internet access service or  
19       Internet information location tool (as those  
20       terms are defined in section 231 of the Commu-  
21       nications Act of 1934 (47 U.S.C. 231)); or

22               “(II) the transmission, storage, retrieval,  
23       hosting, formatting, or translation (or any com-  
24       bination thereof) of a communication, without  
25       selection or alteration of the content of the



1 communication, except that deletion of a par-  
2 ticular communication or material made by an-  
3 other person in a manner consistent with sec-  
4 tion 230(c) of the Communications Act of 1934  
5 (47 U.S.C. 230(c)) shall not constitute such se-  
6 lection or alteration of the content of the com-  
7 munication.

8 “(B) The exceptions under subclauses (I) and (II) of  
9 subparagraph (A)(iii) shall not apply to a person acting  
10 in concert with a person who violates subsection (g)(1).

11 “(4) Any person who knowingly or intentionally vio-  
12 lates this subsection shall be sentenced in accordance with  
13 subsection (b) of this section.”.

14 (g) PUBLICATION.—Section 403(c) of the Controlled  
15 Substances Act (21 U.S.C. 843(c)) is amended by—

16 (1) designating the text as paragraph (1); and

17 (2) adding at the end the following:

18 “(2)(A) Except as authorized by this title, it shall be  
19 unlawful for any person by means of the Internet, to  
20 knowingly advertise the sale or distribution of, or to offer  
21 to sell, distribute, or dispense, a controlled substance.

22 “(B) Examples of activities that violate subparagraph  
23 (A) include, but are not limited to, knowingly or inten-  
24 tionally causing the placement on the Internet of an adver-  
25 tisement that refers to or directs prospective buyers to

1 Internet sellers of controlled substances who are not reg-  
2 istered under section 303(i).

3 “(C) Subparagraph (A) does not apply to material  
4 that either—

5 “(i) merely advertises the distribution of con-  
6 trolled substances by nonpractitioners to the extent  
7 authorized by their registration under this title; or

8 “(ii) merely advocates the use of a controlled  
9 substance or includes pricing information without at-  
10 tempting to facilitate an actual transaction involving  
11 a controlled substance.”.

12 (h) INJUNCTIVE RELIEF.—Section 512 of the Con-  
13 trolled Substances Act (21 U.S.C. 882) is amended by  
14 adding to the end of the section the following new sub-  
15 section:

16 “(c) STATE CAUSE OF ACTION PERTAINING TO ON-  
17 LINE PHARMACIES.—(1) In any case in which the State  
18 has reason to believe that an interest of the residents of  
19 that State has been or is being threatened or adversely  
20 affected by the action of a person, entity, or Internet site  
21 that violates the provisions of section 303(i), 309(e), or  
22 311, the State may bring a civil action on behalf of such  
23 residents in a district court of the United States with ap-  
24 propriate jurisdiction—

1           “(A) to enjoin the conduct which violates this  
2       section;

3           “(B) to enforce compliance with this section;

4           “(C) to obtain damages, restitution, or other  
5       compensation, including civil penalties under section  
6       402(b); and

7           “(D) to obtain such other legal or equitable re-  
8       lief as the court may find appropriate.

9       “(2)(A) Prior to filing a complaint under paragraph  
10   (1), the State shall serve a copy of the complaint upon  
11   the Attorney General and upon the United States Attor-  
12   ney for the judicial district in which the complaint is to  
13   be filed. In any case where such prior service is not fea-  
14   sible, the State shall serve the complaint on the Attorney  
15   General and the appropriate United States Attorney on  
16   the same day that the State’s complaint is filed in Federal  
17   district court of the United States. Such proceedings shall  
18   be independent of, and not in lieu of, criminal prosecutions  
19   or any other proceedings under this title or any other laws  
20   of the United States.

21       “(B)(i) Not later than 120 days after the later of the  
22   date on which a State’s complaint is served on the Attor-  
23   ney General and the appropriate United States Attorney,  
24   or the date on which the complaint is filed, the United

1 States shall have the right to intervene as a party in any  
2 action filed by a State under paragraph (1).

3 “(ii) After the 120-day period described in clause (i)  
4 has elapsed, the United States may, for good cause shown,  
5 intervene as a party in an action filed by a State under  
6 paragraph (1).

7 “(iii) Notice and an opportunity to be heard with re-  
8 spect to intervention shall be afforded the State that filed  
9 the original complaint in any action in which the United  
10 States files a complaint in intervention under clause (i)  
11 or a motion to intervene under clause (ii).

12 “(iv) The United States may file a petition for appeal  
13 of a judicial determination in any action filed by a State  
14 under this section.

15 “(C) Service of a State’s complaint on the United  
16 States as required in this paragraph shall be made in ac-  
17 cord with the requirements of Federal Rule of Civil Proce-  
18 dure 4(i)(1).

19 “(3) For purposes of bringing any civil action under  
20 paragraph (1), nothing in this Act shall prevent an attor-  
21 ney general of a State from exercising the powers con-  
22 ferred on the attorney general of a State by the laws of  
23 such State to conduct investigations or to administer oaths  
24 or affirmations or to compel the attendance of witnesses  
25 of or the production of documentary or other evidence.

1       “(4) Any civil action brought under paragraph (1) in  
2 a district court of the United States may be brought in  
3 the district in which the defendant is found, is an inhab-  
4 itant, or transacts business or wherever venue is proper  
5 under section 1391 of title 28, United States Code. Proc-  
6 ess in such action may be served in any district in which  
7 the defendant is an inhabitant or in which the defendant  
8 may be found.

9       “(5) No private right of action is created under this  
10 subsection.”.

11       (i) FORFEITURE OF FACILITATING PROPERTY IN  
12 DRUG CASES.—Section 511(a)(4) of the Controlled Sub-  
13 stances Act (21 U.S.C. 881(a)(4)) is amended to read as  
14 follows:

15               “(4) Any property, real or personal, tangible or  
16 intangible, used or intended to be used to commit,  
17 or to facilitate the commission, of a violation of this  
18 title or title III, and any property traceable there-  
19 to.”.

20       (j) IMPORT AND EXPORT ACT.—Section 1010(b) of  
21 the Controlled Substances Import and Export Act (21  
22 U.S.C. 960(b)) is amended—

23               (1) in paragraph (4) by—

24                       (A) striking “or any quantity of a con-  
25 trolled substance in schedule III, IV, or V, (ex-

1           cept a violation involving flunitrazepam and ex-  
2           cept a violation involving gamma hydroxy-  
3           butyric acid)”;

4                   (B) inserting “, or” before “less than one  
5           kilogram of hashish oil”; and

6                   (C) striking “imprisoned” and all that fol-  
7           lows through the end of the paragraph and in-  
8           serting “sentenced in accordance with section  
9           401(b)(1)(D) of this title (21 U.S.C.  
10          841(b)(1)(E)).”;

11          (2) by adding at the end the following:

12          “(5) In the case of a violation of subsection (a) of  
13          this section involving a controlled substance in schedule  
14          III, such person shall be sentenced in accordance with sec-  
15          tion 401(b)(1)(E).

16          “(6) In the case of a violation of subsection (a) of  
17          this section involving a controlled substance in schedule  
18          IV (except a violation involving flunitrazepam), such per-  
19          son shall be sentenced in accordance with section  
20          401(b)(2).

21          “(7) In the case of a violation of subsection (a) of  
22          this section involving a controlled substance in schedule  
23          V, such person shall be sentenced in accordance with sec-  
24          tion 401(b)(3).”; and

1           (3) in paragraph (3), by striking “, nor shall a  
2           person so sentenced be eligible for parole during the  
3           term of such a sentence” in the final sentence.

4           (k) EFFECTIVE DATE.—The amendments made by  
5           this subtitle shall become effective 60 days after the date  
6           of enactment of this Act.

7           (l) GUIDELINES AND REGULATIONS.—

8           (1) IN GENERAL.—The Attorney General may  
9           promulgate and enforce any rules, regulations, and  
10          procedures which may be necessary and appropriate  
11          for the efficient execution of functions under this  
12          subtitle, including any interim rules necessary for  
13          the immediate implementation of this subtitle, on its  
14          effective date.

15          (2) SENTENCING GUIDELINES.—The United  
16          States Sentencing Commission, in determining  
17          whether to amend, or establish new, guidelines or  
18          policy statements, to conform the Federal sentencing  
19          guidelines and policy statements to this subtitle and  
20          the amendments made by this subtitle—

21                 (A) shall consult with the Department of  
22                 Justice, experts, and other affected parties con-  
23                 cerning which penalties for scheduled sub-  
24                 stances amended by this subtitle should be re-

1           flected in the Federal sentencing guidelines;  
2           and

3           (B) should not construe any change in the  
4           maximum penalty for a violation involving a  
5           controlled substance in a particular schedule as  
6           being the sole reason to amend a, or establish  
7           a new, guideline or policy statement.

8           (m) ANNUAL REPORT.—Not later than 180 days  
9   after the date of enactment of this Act, and annually for  
10 2 years after the initial report, the Drug Enforcement Ad-  
11 ministration, in consultation with the Department of  
12 State, shall submit to Congress a report describing—

13           (1) the foreign supply chains and sources of  
14   controlled substances offered for sale without a valid  
15   prescription on the Internet;

16           (2) the efforts and strategy of the Drug En-  
17   forcement Administration to decrease the foreign  
18   supply chain and sources of controlled substances of-  
19   fered for sale without a valid prescription on the  
20   Internet; and

21           (3) the efforts of the Drug Enforcement Ad-  
22   ministration to work with domestic and multi-  
23   national pharmaceutical companies and others to  
24   build international cooperation and a commitment to  
25   fight on a global scale the problem of distribution of



1 controlled substances over the Internet without a  
2 valid prescription.

3 **Subtitle F—Local Drug Crisis**  
4 **Enhancement Grants Act**

5 **SEC. 5601. SHORT TITLE.**

6 This subtitle may be cited as the “Local Drug Crisis  
7 Enhancement Grants Act”.

8 **SEC. 5602. GRANTS.**

9 Section 1032 of the Drug-Free Communities Act of  
10 1997 (21 U.S.C. 1532) is amended by adding at the end  
11 the following:

12 “(c) COALITION ENHANCEMENT GRANTS FOR COM-  
13 MUNITIES WITH MAJOR LOCAL DRUG ISSUES.—

14 “(1) AUTHORIZATION OF PROGRAM.—The Ad-  
15 ministrator of the Substance Abuse and Mental  
16 Health Services Administration, in consultation with  
17 the Director of the Office of National Drug Control  
18 Policy, shall award enhancement grants to eligible  
19 coalitions to implement comprehensive community-  
20 wide strategies that address a local drug crisis.

21 “(2) APPLICATION.—A coalition desiring an en-  
22 hancement grant under this subsection shall submit  
23 an application to the Administrator at such time,  
24 and in such manner, and accompanied by such infor-  
25 mation as the Administrator may require.

1           “(3) CRITERIA.—A coalition meets the criteria  
2 specified in this subsection if the coalition—

3           “(A) has demonstrated, with local data  
4 from sources such as school surveys, police re-  
5 ports, emergency room admissions, or coroner’s  
6 reports, that a specific drug has become a local  
7 crisis; and

8           “(B) submits to the Administrator a de-  
9 tailed, comprehensive multisector plan for ad-  
10 dressing the specific local drug crisis.

11           “(4) USES OF FUNDS.—Each eligible entity  
12 that receives a grant under this subsection shall use  
13 the grant funds for implementing comprehensive,  
14 community-wide strategies that address their local  
15 drug crises in accordance with the detailed plan sub-  
16 mitted to the Administrator.

17           “(5) LIMIT.—Grants under this subsection shall  
18 not exceed \$50,000 per year and may not exceed a  
19 total of 4 years.

20           “(6) SUPPLEMENT NOT SUPPLANT.—Grant  
21 funds provided under this subsection shall be used to  
22 supplement, not supplant, Federal and non-Federal  
23 funds available for carrying out the activities de-  
24 scribed in this subsection.

1           “(7) EVALUATION.—Grants under this sub-  
 2           section shall be subject to the same evaluation re-  
 3           quirements and procedures as the evaluation re-  
 4           quirements and procedures imposed on recipients of  
 5           drug free community grants.

6           “(8) ADMINISTRATIVE EXPENSES.—Not more  
 7           than 6 percent of a grant under this subsection may  
 8           be expended for administrative expenses.

9           “(9) AUTHORIZATION OF APPROPRIATIONS.—  
 10          There are authorized to be appropriated to carry out  
 11          this subsection \$5,000,000 for each of the fiscal  
 12          years 2008 through 2011. This subsection is subject  
 13          to the availability of appropriations.”.

14   **Subtitle G—Extraterritorial Con-**  
 15   **trolled Substance Trafficking**  
 16   **Venue Clarification Act of 2007**

17   **SEC. 5701. SHORT TITLE.**

18          This subtitle may be cited as the “Extraterritorial  
 19   Controlled Substance Trafficking Venue Clarification Act  
 20   of 2007”.

21   **SEC. 5702. FINDINGS.**

22          Congress finds the following:

23               (1) Individuals continue to commit acts outside  
 24          the United States for the purpose of smuggling con-  
 25          trolled substances into the United States.

1           (2) In order to deter, reduce, and punish illegal  
2       acts outside the United States designed and in-  
3       tended to smuggle controlled substances into the  
4       United States, it is important that United States  
5       district courts have a clear basis for the exercise of  
6       venue over such crimes.

7           (3) Establishing venue criteria for determining  
8       the choice of venue when trying foreign offenders  
9       will facilitate the charging and prosecution of such  
10      offenders and allow for trial of such offenders in the  
11      districts which are most adversely impacted by the  
12      unlawful activity.

13 **SEC. 5703. ADDITIONAL BASIS OF VENUE FOR**  
14 **EXTRATERRITORIAL TRAFFICKING IN CON-**  
15 **TROLLED SUBSTANCES.**

16       Section 1009(c) of the Controlled Substances Import  
17      and Export Act (21 U.S.C. 959(c)) is amended by insert-  
18      ing after “enters the United States,” the following: “in  
19      the district in which the offender is first inspected and  
20      admitted to the United States,”.

21 **SEC. 5704. EFFECTIVE DATE.**

22       The amendments made by this subtitle shall apply  
23      with respect to any offense committed on or after the date  
24      of enactment of this Act and to any prosecution in which

1 the indictment or other charging instrument is filed on  
2 or after the date of enactment of this Act.

3       **Subtitle H—Methamphetamine**  
4       **Production Prevention Act of 2007**

5       **SEC. 5801. SHORT TITLE.**

6           This subtitle may be cited as the “Methamphetamine  
7 Production Prevention Act of 2007”.

8       **SEC. 5802. FINDINGS.**

9           Congress finds that—

10           (1) the manufacture, distribution, and use of  
11 methamphetamine have inflicted damages on individ-  
12 uals, families, communities, businesses, the economy,  
13 and the environment throughout the United States;

14           (2) methamphetamine is unique among illicit  
15 drugs in that the harms relating to methamphet-  
16 amine stem not only from its distribution and use,  
17 but also from the manufacture of the drug by  
18 “cooks” in clandestine labs throughout the United  
19 States;

20           (3) Federal and State restrictions limiting the  
21 sale of legal drug products that contain meth-  
22 amphetamine precursors have reduced the number  
23 and size of domestic methamphetamine labs;

24           (4) domestic methamphetamine cooks have  
25 managed to circumvent restrictions on the sale of

1       methamphetamine precursors by “smurfing”, or pur-  
2       chasing impermissibly large cumulative amounts of  
3       precursor products by traveling from retailer to re-  
4       tailer and buying permissible quantities at each re-  
5       tailer;

6               (5) although Federal and State laws require re-  
7       tailers of methamphetamine precursor products to  
8       keep written or electronic logbooks recording sales of  
9       precursor products, retailers are not always required  
10      to transmit this logbook information to appropriate  
11      law enforcement and regulatory agencies, except  
12      upon request;

13             (6) when retailers’ logbook information regard-  
14      ing sales of methamphetamine precursor products is  
15      kept in a database in an electronic format and  
16      transmitted between retailers and appropriate law  
17      enforcement and regulatory agencies, such informa-  
18      tion can be used to further reduce the number of do-  
19      mestic methamphetamine labs by preventing the sale  
20      of methamphetamine precursors in excess of legal  
21      limits, and by identifying and prosecuting “smurfs”  
22      and others involved in methamphetamine manufac-  
23      turing;

24             (7) States and local governments are already  
25      beginning to develop such electronic logbook data-

1 base systems, but they are hindered by a lack of re-  
2 sources;

3 (8) efforts by States and local governments to  
4 develop such electronic logbook database systems  
5 may also be hindered by logbook recordkeeping re-  
6 quirements contained in section 310(e) of the Con-  
7 trolled Substances Act (21 U.S.C. 830(e)) that are  
8 tailored to written logbooks and not to electronic  
9 logbooks; and

10 (9) providing resources to States and localities  
11 and making technical corrections to the Combat  
12 Methamphetamine Epidemic Act of 2005 will allow  
13 more rapid and widespread development of such  
14 electronic logbook systems, thereby reducing the do-  
15 mestic manufacture of methamphetamine and its as-  
16 sociated harms.

17 **SEC. 5803. DEFINITIONS.**

18 In this subtitle—

19 (1) the term “local” means a county, city, town,  
20 township, parish, village, or other general purpose  
21 political subdivision of a State;

22 (2) the term “methamphetamine precursor elec-  
23 tronic logbook system” means a system by which a  
24 regulated seller electronically records and transmits  
25 to an electronic database accessible to appropriate

1 law enforcement and regulatory agencies information  
2 regarding the sale of a scheduled listed chemical  
3 product that is required to be maintained under sec-  
4 tion 310(e) of the Controlled Substances Act (21  
5 U.S.C. 830(e)) (as amended by this Act), State law  
6 governing the distribution of a scheduled listed  
7 chemical product, or any other Federal, State, or  
8 local law;

9 (3) the terms “regulated seller” and “scheduled  
10 listed chemical product” have the meanings given  
11 such terms in section 102 of the Controlled Sub-  
12 stances Act (21 U.S.C. 802); and

13 (4) the term “State”—

14 (A) means a State of the United States,  
15 the District of Columbia, and any common-  
16 wealth, territory, or possession of the United  
17 States; and

18 (B) includes an “Indian tribe”, as that  
19 term is defined in section 102 of the Federally  
20 Recognized Indian Tribe List Act of 1994 (25  
21 U.S.C. 479a).



1 **SEC. 5804. AUTHORIZATION FOR EFFECTIVE METHAMPHET-**  
2 **AMINE PRECURSOR ELECTRONIC LOGBOOK**  
3 **SYSTEMS.**

4 Section 310(e)(1) of the Controlled Substances Act  
5 (21 U.S.C. 830(e)(1)) is amended—

6 (1) in subparagraph (A)(iii), by striking “a  
7 written or electronic list” and inserting “a written  
8 list or an electronic list that complies with subpara-  
9 graph (H)”;

10 (2) adding at the end the following:

11 “(H) ELECTRONIC LOGBOOKS.—

12 “(i) IN GENERAL.—A logbook main-  
13 tained in electronic form shall include, for  
14 each sale to which the requirement of sub-  
15 paragraph (A)(iii) applies, the name of any  
16 product sold, the quantity of that product  
17 sold, the name and address of each pur-  
18 chaser, the date and time of the sale, and  
19 any other information required by State or  
20 local law.

21 “(ii) SELLERS.—In complying with  
22 the requirements of clause (i), a regulated  
23 seller may—

24 “(I) ask a prospective purchaser  
25 for the name and address, and enter  
26 such information into the electronic

1 logbook, and if the seller enters the  
2 name and address of the prospective  
3 purchaser into the electronic logbook,  
4 the seller shall determine that the  
5 name entered into the electronic log-  
6 book corresponds to the name pro-  
7 vided on the identification presented  
8 by the purchaser under subparagraph  
9 (A)(iv)(I)(aa); and

10 “(II) use a software program  
11 that automatically and accurately  
12 records the date and time of each  
13 sale.

14 “(iii) PURCHASERS.—A prospective  
15 purchaser in a sale to which the require-  
16 ment of subparagraph (A)(iii) applies that  
17 is being documented in an electronic log-  
18 book shall provide a signature in at least  
19 one of the following ways:

20 “(I) Signing a device presented  
21 by the seller that captures signatures  
22 in an electronic format.

23 “(II) Signing a bound paper  
24 book.

1           “(III) Signing a printed docu-  
2           ment that corresponds to the elec-  
3           tronically-captured logbook informa-  
4           tion for such purchaser.

5           “(iv) ELECTRONIC SIGNATURES.—

6           “(I) DEVICE.—Any device used  
7           under clause (iii)(I) shall—

8           “(aa) preserve each signa-  
9           ture in a manner that clearly  
10          links that signature to the other  
11          electronically-captured logbook  
12          information relating to the pro-  
13          spective purchaser providing that  
14          signature; and

15          “(bb) display information  
16          that complies with subparagraph  
17          (A)(v).

18          “(II) DOCUMENT RETENTION.—

19          A regulated seller that uses a device  
20          under clause (iii)(I) to capture signa-  
21          tures shall maintain each such signa-  
22          ture for not less than 2 years after  
23          the date on which that signature is  
24          captured.

25          “(v) PAPER BOOKS.—

1 “(I) IN GENERAL.—Any bound  
2 paper book used under clause (iii)(II)  
3 shall—

4 “(aa) ensure that the signa-  
5 ture of the prospective purchaser  
6 is adjacent to a unique identifier  
7 number or a printed sticker that  
8 clearly links that signature to the  
9 electronically-captured logbook  
10 information relating to that pro-  
11 spective purchaser; and

12 “(bb) display information  
13 that complies with subparagraph  
14 (A)(v).

15 “(II) DOCUMENT RETENTION.—  
16 A regulated seller that uses bound  
17 paper books under clause (iii)(II) shall  
18 maintain any entry in such books for  
19 not less than 2 years after the date on  
20 which that entry is made.

21 “(vi) PRINTED DOCUMENTS.—

22 “(I) IN GENERAL.—Any printed  
23 document used under clause (iii)(III)  
24 shall—

1 “(aa) be printed by the sell-  
2 er at the time of the sale that  
3 document relates to;

4 “(bb) display information  
5 that complies with subparagraph  
6 (A)(v);

7 “(cc) for the relevant sale,  
8 list the name of each product  
9 sold, the quantity sold, the name  
10 and address of the purchaser,  
11 and the date and time of the  
12 sale;

13 “(dd) contain a clearly iden-  
14 tified signature line for a pur-  
15 chaser to sign; and

16 “(ee) include a notice that  
17 the signer has read the printed  
18 information and agrees that it is  
19 accurate.

20 “(II) DOCUMENT RETENTION.—

21 “(aa) IN GENERAL.—A reg-  
22 ulated seller that uses printed  
23 documents under clause (iii)(III)  
24 shall maintain each such docu-  
25 ment for not less than 2 years

1 after the date on which that doc-  
2 ument is signed.

3 “(bb) SECURE STORAGE.—  
4 Each signed document shall be  
5 inserted into a binder or other  
6 secure means of document stor-  
7 age immediately after the pur-  
8 chaser signs the document.”.

9 **SEC. 5805. GRANTS FOR METHAMPHETAMINE PRECURSOR**  
10 **ELECTRONIC LOGBOOK SYSTEMS.**

11 (a) ESTABLISHMENT.—The Attorney General of the  
12 United States, through the Office of Justice Programs of  
13 the Department of Justice, may make grants, in accord-  
14 ance with such regulations as the Attorney General may  
15 prescribe, to State and local governments to plan, develop,  
16 implement, or enhance methamphetamine precursor elec-  
17 tronic logbook systems.

18 (b) USE OF FUNDS.—

19 (1) IN GENERAL.—A grant under this section  
20 may be used to enable a methamphetamine pre-  
21 cursor electronic logbook system to—

22 (A) indicate to a regulated seller, upon the  
23 entry of information regarding a prospective  
24 purchaser into the methamphetamine precursor  
25 electronic logbook system, whether that pro-

1           spective purchaser has been determined by ap-  
2           propriate law enforcement or regulatory agen-  
3           cies to be eligible, ineligible, or potentially ineli-  
4           gible to purchase a scheduled listed chemical  
5           product under Federal, State, or local law; and

6           (B) provide contact information for a pro-  
7           spective purchaser to use if the prospective pur-  
8           chaser wishes to question a determination by  
9           appropriate law enforcement or regulatory  
10          agencies that the prospective purchaser is ineli-  
11          gible or potentially ineligible to purchase a  
12          scheduled listed chemical product.

13          (2) ACCESS TO INFORMATION.—Any meth-  
14          amphetamine precursor electronic logbook system  
15          planned, developed, implemented, or enhanced with a  
16          grant under this section shall prohibit accessing,  
17          using, or sharing information entered into that sys-  
18          tem for any purpose other than to—

19                (A) ensure compliance with this subtitle,  
20                section 310(e) of the Controlled Substances Act  
21                (21 U.S.C. 830(e)) (as amended by this Act),  
22                State law governing the distribution of any  
23                scheduled listed chemical product, or other ap-  
24                plicable Federal, State, or local law; or

1 (B) facilitate a product recall to protect  
2 public safety.

3 (c) GRANT REQUIREMENTS.—

4 (1) MAXIMUM AMOUNT.—The Attorney General  
5 shall not award a grant under this section in an  
6 amount that exceeds \$300,000.

7 (2) DURATION.—The period of a grant made  
8 under this section shall not exceed 3 years.

9 (3) MATCHING REQUIREMENT.—Not less than  
10 25 percent of the cost of a project for which a grant  
11 is made under this section shall be provided by non-  
12 Federal sources.

13 (4) PREFERENCE FOR GRANTS.—In awarding  
14 grants under this section, the Attorney General shall  
15 give priority to any grant application involving a  
16 proposed or ongoing methamphetamine precursor  
17 electronic logbook system that is—

18 (A) statewide in scope;

19 (B) capable of real-time capture and trans-  
20 mission of logbook information to appropriate  
21 law enforcement and regulatory agencies;

22 (C) designed in a manner that will facili-  
23 tate the exchange of logbook information be-  
24 tween appropriate law enforcement and regu-



latory agencies across jurisdictional boundaries,  
including State boundaries; and

(D) developed and operated, to the extent  
feasible, in consultation and ongoing coordina-  
tion with the Drug Enforcement Administra-  
tion, the Office of Justice Programs, the Office  
of National Drug Control Policy, the nonprofit  
corporation described in section 1105 of the Of-  
fice of National Drug Control Policy Reauthor-  
ization Act of 2006 (21 U.S.C. 1701 note),  
other Federal, State, and local law enforcement  
and regulatory agencies, as appropriate, and  
regulated sellers.

(5) ANNUAL REPORT.—

(A) IN GENERAL.—Not later than Decem-  
ber 31 of each calendar year in which funds  
from a grant received under this section are ex-  
pended, the Attorney General shall submit a re-  
port to Congress containing—

(i) a summary of the activities carried  
out with grant funds during that year;

(ii) an assessment of the effectiveness  
of the activities described in clause (i) on  
the planning, development, implementation

1 or enhancement of methamphetamine pre-  
2 cursor electronic logbook systems;

3 (iii) an assessment of the effect of the  
4 activities described in clause (i) on cur-  
5 tailing the manufacturing of methamphet-  
6 amine in the United States and the harms  
7 associated with such manufacturing; and

8 (iv) a strategic plan for the year fol-  
9 lowing the year of that report.

10 (B) ADDITIONAL INFORMATION.—The At-  
11 torney General may require the recipient of a  
12 grant under this section to provide information  
13 relevant to preparing any report under subpara-  
14 graph (A) in a report that grant recipient is re-  
15 quired to submit to the Office of Justice Pro-  
16 grams of the Department of Justice.

17 **SEC. 5806. STUDY.**

18 (a) IN GENERAL.—Not later than 1 year after the  
19 date on which grant funds under section 5805 are first  
20 distributed, the Comptroller General of the United States  
21 shall conduct a study and submit to Congress a report  
22 regarding the effectiveness of methamphetamine precursor  
23 electronic logbook systems that receive funding under that  
24 section.

1 (b) CONTENTS.—The report submitted under sub-  
2 section (a) shall include—

3 (1) a summary of the activities carried out with  
4 grant funds during the previous year;

5 (2) an assessment of the effectiveness of the ac-  
6 tivities described in paragraph (1) on the planning,  
7 development, implementation or enhancement of  
8 methamphetamine precursor electronic logbook sys-  
9 tems in the United States;

10 (3) an assessment of the extent to which pro-  
11 posed or operational methamphetamine precursor  
12 electronic logbook systems in the United States, in-  
13 cluding those that receive funding under section  
14 5805, are—

15 (A) statewide in scope;

16 (B) capable of real-time capture and trans-  
17 mission of logbook information to appropriate  
18 law enforcement and regulatory agencies;

19 (C) designed in a manner that will facili-  
20 tate the exchange of logbook information be-  
21 tween appropriate law enforcement and regu-  
22 latory agencies across jurisdictional boundaries,  
23 including State boundaries; and

24 (D) developed and operated, to the extent  
25 feasible, upon consultation with and in ongoing

1 coordination with the Drug Enforcement Ad-  
2 ministration, the Office of Justice Programs,  
3 the Office of National Drug Control Policy, the  
4 nonprofit corporation described in section 1105  
5 of the Office of National Drug Control Policy  
6 Reauthorization Act of 2006 (21 U.S.C. 1701  
7 note), other Federal, State, and local law en-  
8 forcement and regulatory agencies, as appro-  
9 priate, and regulated sellers;

10 (4) an assessment of the effect of methamphet-  
11 amine precursor electronic logbook systems, includ-  
12 ing those that receive funding under this subtitle, on  
13 curtailing the manufacturing of methamphetamine  
14 in the United States and reducing its associated  
15 harms;

16 (5) recommendations for further curtailing the  
17 domestic manufacturing of methamphetamine and  
18 reducing its associated harms; and

19 (6) such other information as the Comptroller  
20 General determines appropriate.

21 **SEC. 5807. AUTHORIZATION OF APPROPRIATIONS.**

22 There are authorized to be appropriated to carry out  
23 this subtitle—

24 (1) \$3,000,000 for fiscal year 2008; and

1           (2) such sums as may be necessary for each fis-  
2       cal year thereafter.

3                           **Subtitle I—PACT Act**

4   **SEC. 5901. SHORT TITLE.**

5       This subtitle may be cited as the “Police and Com-  
6   munities Together Act” or the “PACT Act”.

7   **SEC. 5902. PURPOSE.**

8       The purpose of this subtitle is to create a Police and  
9   Communities Together program within the Department of  
10   Justice—

11           (1) to serve as a rapid response network to ad-  
12       dress existing and emerging local and national drug  
13       threats;

14           (2) based on the structure of the Partnership  
15       for Drug-Free America’s Meth360 program to re-  
16       duce methamphetamine abuse; and

17           (3) that will—

18                   (A) be led by trained law enforcement pro-  
19       fessionals, partnering with local prevention and  
20       treatment organizations; and

21                   (B) focus on prevention, education, and  
22       community mobilization about specific drug  
23       threats in a certain locality.

1 **SEC. 5903. AUTHORIZATION OF PROGRAM.**

2 The Attorney General shall establish a “Police and  
3 Communities Together Program” which shall include the  
4 following elements:

5 (1) Research-based prevention presentations  
6 that will—

7 (A) be delivered jointly by law enforce-  
8 ment, prevention, and treatment professionals;

9 (B) address 5 major topics as follows:

10 (i) The effects of substance abuse on  
11 individuals.

12 (ii) The effects of substance abuse on  
13 communities.

14 (iii) Families and prevention.

15 (iv) Intervention and treatment with  
16 content specific to the substance being  
17 abused.

18 (v) Community mobilization;

19 (C) allow local presenters to tailor the pro-  
20 gram to their community’s specific drug preven-  
21 tion needs; and

22 (D) be adapted for various audiences such  
23 as parents, students, and the medical commu-  
24 nity.

25 (2) Training for presenters that provides the  
26 law enforcement, prevention, and treatment pre-

1        senters with the fundamental education and skills  
2        they need to effectively deliver drug education pres-  
3        entations.

4    **SEC. 5904. USE OF FUNDS.**

5        To carry out activities under this subtitle, the Attor-  
6    ney General shall make a directed grant to the Partner-  
7    ship for a Drug-Free America, which shall be responsible  
8    for—

9            (1) developing the research-based prevention  
10    presentations used in the PACT program;

11           (2) coordinating groups of law enforcement,  
12    treatment, and prevention professionals to serve as  
13    local presenters; and

14           (3) training local presenters about—

15                (A) the specific existing and emerging drug  
16    threats; and

17                (B) the most effective means to deliver the  
18    presentations.

19    **SEC. 5905. AUTHORIZATION OF APPROPRIATIONS.**

20        There are authorized to be appropriated to carry out  
21    this subtitle \$5,000,000 for each of the fiscal years 2008  
22    through 2012.

1 **TITLE VI—PREVENTING ILLE-**  
2 **GAL TRAFFICKING OF FIRE-**  
3 **ARMS**

4 **Subtitle A—Firearms Background**  
5 **Check Enhancement Act of 2007**

6 **SEC. 6101. SHORT TITLE.**

7 This subtitle may be cited as the “Firearms Back-  
8 ground Check Enhancement Act of 2007”.

9 **SEC. 6102. FINDINGS.**

10 Congress finds that—

11 (1) more than 4,400 traditional gun shows are  
12 held annually across the United States, attracting  
13 thousands of attendees per show and hundreds of  
14 Federal firearms licensees and nonlicensed firearms  
15 sellers;

16 (2) traditional gun shows, as well as flea mar-  
17 kets and other organized events, at which a large  
18 number of firearms are offered for sale by Federal  
19 firearms licensees and nonlicensed firearms sellers  
20 form a significant part of the national firearms mar-  
21 ket;

22 (3) firearms and ammunition that are exhibited  
23 or offered for sale or exchange at gun shows, flea  
24 markets, and other organized events move easily in  
25 and substantially affect interstate commerce;



1           (4) in addition, before a firearm is exhibited or  
2           offered for sale or exchange at a gun show, flea mar-  
3           ket, or other organized event, the gun, its component  
4           parts, ammunition, and the raw materials from  
5           which it is manufactured have moved in interstate  
6           commerce;

7           (5) gun shows, flea markets, and other orga-  
8           nized events at which firearms are exhibited or of-  
9           fered for sale or exchange provide a convenient and  
10          centralized commercial location at which firearms  
11          may be bought and sold anonymously, often without  
12          background checks and without records that enable  
13          gun tracing;

14          (6) since the enactment of the Brady Handgun  
15          Violence Prevention Act (Public Law 103-159; 107  
16          Stat. 1536) in 1993, nearly 70,000,000 background  
17          checks have been performed by Federal firearm li-  
18          censees denying guns to 1,360,000 illegal buyers;

19          (7) at gun shows, flea markets, and other orga-  
20          nized events at which guns are exhibited or offered  
21          for sale or exchange, criminals, terrorists, and other  
22          prohibited persons have obtained guns without back-  
23          ground checks and frequently use guns that cannot  
24          be traced to later committed crimes;

1           (8) many persons who buy and sell firearms at  
2           gun shows, flea markets, and other organized events  
3           cross State lines to attend these events and engage  
4           in the interstate transportation of firearms obtained  
5           at these events;

6           (9) gun violence is a pervasive, national prob-  
7           lem that is exacerbated by the free availability of  
8           guns at gun shows, flea markets, and other orga-  
9           nized events;

10          (10) firearms associated with gun shows have  
11          been transferred illegally to residents of another  
12          State by Federal firearms licensees and nonlicensed  
13          firearms sellers, and have been involved in subse-  
14          quent crimes including drug offenses, crimes of vio-  
15          lence, property crimes, and illegal possession of fire-  
16          arms by felons and other prohibited persons; and

17          (11) Congress has the power, under the inter-  
18          state commerce clause and other provisions of the  
19          Constitution of the United States, to ensure, by en-  
20          actment of this Act, that criminals and other prohib-  
21          ited persons do not obtain firearms at gun shows,  
22          flea markets, and other organized events.

1 **SEC. 6103. EXTENSION OF BRADY BACKGROUND CHECKS**  
2 **TO GUN SHOWS.**

3 (a) DEFINITIONS.—Section 921(a) of title 18, United  
4 States Code, is amended by adding at the end the fol-  
5 lowing:

6 “(36) GUN SHOW.—The term ‘gun show’ means  
7 any event—

8 “(A) at which not fewer than 50 firearms  
9 are offered or exhibited for sale, transfer, or ex-  
10 change, if 1 or more of the firearms has been  
11 shipped or transported in, or otherwise affects,  
12 interstate or foreign commerce; and

13 “(B) at which—

14 “(i) not fewer than 20 percent of the  
15 exhibitors are firearm exhibitors; or

16 “(ii) there are not fewer than 10 fire-  
17 arm exhibitors.

18 “(37) GUN SHOW PROMOTER.—The term ‘gun  
19 show promoter’ means any person who organizes,  
20 plans, promotes, or operates a gun show.

21 “(38) GUN SHOW VENDOR.—The term ‘gun  
22 show vendor’ means any person who exhibits, sells,  
23 offers for sale, transfers, or exchanges 1 or more  
24 firearms at a gun show, regardless of whether the  
25 person arranges with the gun show promoter for a

1 fixed location from which to exhibit, sell, offer for  
 2 sale, transfer, or exchange 1 or more firearms.”.

3 (b) REGULATION OF FIREARMS TRANSFERS AT GUN  
 4 SHOWS.—

5 (1) IN GENERAL.—Chapter 44 of title 18,  
 6 United States Code, is amended by adding at the  
 7 end the following:

8 **“§ 932. Regulation of firearms transfers at gun shows**

9 “(a) REGISTRATION OF GUN SHOW PROMOTERS.—  
 10 It shall be unlawful for any person to organize, plan, pro-  
 11 mote, or operate a gun show unless that person—

12 “(1) registers with the Attorney General in ac-  
 13 cordance with regulations promulgated by the Attor-  
 14 ney General; and

15 “(2) pays a registration fee, in an amount de-  
 16 termined by the Attorney General.

17 “(b) RESPONSIBILITIES OF GUN SHOW PRO-  
 18 MOTERS.—It shall be unlawful for any person to organize,  
 19 plan, promote, or operate a gun show unless that person—

20 “(1) has notified the Attorney General not later  
 21 than 15 days before the event of the date, time, du-  
 22 ration, and location of the event;

23 “(2) before commencement of the gun show,  
 24 verifies the identity of each gun show vendor partici-  
 25 pating in the gun show by examining a valid identi-

1       fication document (as that term is defined in section  
2       1028(d)) of the vendor containing a photograph of  
3       the vendor;

4               “(3) before commencement of the gun show, re-  
5       quires each gun show vendor to sign—

6               “(A) a ledger with identifying information  
7       concerning the vendor; and

8               “(B) a notice advising the vendor of the  
9       obligations of the vendor under this chapter;

10              “(4) notifies each person who attends the gun  
11       show of the requirements of this chapter, in accord-  
12       ance with such regulations as the Attorney General  
13       shall prescribe; and

14              “(5) maintains a copy of the records described  
15       in paragraphs (2) and (3) at the permanent place of  
16       business of the gun show promoter for such period  
17       of time and in such form as the Attorney General  
18       shall require by regulation.

19       “(c) RESPONSIBILITIES OF TRANSFERORS OTHER  
20       THAN LICENSEES.—

21              “(1) IN GENERAL.—If any part of a firearm  
22       transaction takes place at a gun show, it shall be  
23       unlawful for any person who is not licensed under  
24       this chapter to transfer a firearm to another person  
25       who is not licensed under this chapter, unless the

1 firearm is transferred through a licensed importer,  
2 licensed manufacturer, or licensed dealer in accord-  
3 ance with subsection (e).

4 “(2) CRIMINAL BACKGROUND CHECKS.—A per-  
5 son who is subject to the requirement of paragraph  
6 (1)—

7 “(A) shall not transfer the firearm to the  
8 transferee until the licensed importer, licensed  
9 manufacturer, or licensed dealer through which  
10 the transfer is made under subsection (e)  
11 makes the notification described in subsection  
12 (e)(3)(A); and

13 “(B) notwithstanding subparagraph (A),  
14 shall not transfer the firearm to the transferee  
15 if the licensed importer, licensed manufacturer,  
16 or licensed dealer through which the transfer is  
17 made under subsection (e) makes the notifica-  
18 tion described in subsection (e)(3)(B).

19 “(3) ABSENCE OF RECORDKEEPING REQUIRE-  
20 MENTS.—Nothing in this section shall permit or au-  
21 thorize the Attorney General to impose record-  
22 keeping requirements on any nonlicensed vendor.

23 “(d) RESPONSIBILITIES OF TRANSFEREES OTHER  
24 THAN LICENSEES.—

1           “(1) IN GENERAL.—If any part of a firearm  
2           transaction takes place at a gun show, it shall be  
3           unlawful for any person who is not licensed under  
4           this chapter to receive a firearm from another per-  
5           son who is not licensed under this chapter, unless  
6           the firearm is transferred through a licensed im-  
7           porter, licensed manufacturer, or licensed dealer in  
8           accordance with subsection (e).

9           “(2) CRIMINAL BACKGROUND CHECKS.—A per-  
10          son who is subject to the requirement of paragraph  
11          (1)—

12                 “(A) shall not receive the firearm from the  
13                 transferor until the licensed importer, licensed  
14                 manufacturer, or licensed dealer through which  
15                 the transfer is made under subsection (e)  
16                 makes the notification described in subsection  
17                 (e)(3)(A); and

18                 “(B) notwithstanding subparagraph (A),  
19                 shall not receive the firearm from the transferor  
20                 if the licensed importer, licensed manufacturer,  
21                 or licensed dealer through which the transfer is  
22                 made under subsection (e) makes the notifica-  
23                 tion described in subsection (e)(3)(B).

24          “(e) RESPONSIBILITIES OF LICENSEES.—A licensed  
25          importer, licensed manufacturer, or licensed dealer who

1 agrees to assist a person who is not licensed under this  
2 chapter in carrying out the responsibilities of that person  
3 under subsection (c) or (d) with respect to the transfer  
4 of a firearm shall—

5           “(1) enter such information about the firearm  
6 as the Attorney General may require by regulation  
7 into a separate bound record;

8           “(2) record the transfer on a form specified by  
9 the Attorney General;

10           “(3) comply with section 922(t) as if transfer-  
11 ring the firearm from the inventory of the licensed  
12 importer, licensed manufacturer, or licensed dealer  
13 to the designated transferee (although a licensed im-  
14 porter, licensed manufacturer, or licensed dealer  
15 complying with this subsection shall not be required  
16 to comply again with the requirements of section  
17 922(t) in delivering the firearm to the nonlicensed  
18 transferor), and notify the nonlicensed transferor  
19 and the nonlicensed transferee—

20           “(A) of such compliance; and

21           “(B) if the transfer is subject to the re-  
22 quirements of section 922(t)(1), of any receipt  
23 by the licensed importer, licensed manufacturer,  
24 or licensed dealer of a notification from the na-  
25 tional instant criminal background check sys-



1           tem that the transfer would violate section 922  
2           or would violate State law;

3           “(4) not later than 10 days after the date on  
4           which the transfer occurs, submit to the Attorney  
5           General a report of the transfer, which report—

6                   “(A) shall be on a form specified by the  
7           Attorney General by regulation; and

8                   “(B) shall not include the name of or other  
9           identifying information relating to any person  
10          involved in the transfer who is not licensed  
11          under this chapter;

12          “(5) if the licensed importer, licensed manufac-  
13          turer, or licensed dealer assists a person other than  
14          a licensee in transferring, at 1 time or during any  
15          5 consecutive business days, 2 or more pistols or re-  
16          volvers, or any combination of pistols and revolvers  
17          totaling 2 or more, to the same nonlicensed person,  
18          in addition to the reports required under paragraph  
19          (4), prepare a report of the multiple transfers, which  
20          report shall be—

21                   “(A) prepared on a form specified by the  
22          Attorney General; and

23                   “(B) not later than the close of business  
24          on the date on which the transfer occurs, for-  
25          warded to—

1 “(i) the office specified on the form  
2 described in subparagraph (A); and

3 “(ii) the appropriate State law en-  
4 forcement agency of the jurisdiction in  
5 which the transfer occurs; and

6 “(6) retain a record of the transfer as part of  
7 the permanent business records of the licensed im-  
8 porter, licensed manufacturer, or licensed dealer.

9 “(f) RECORDS OF LICENSEE TRANSFERS.—If any  
10 part of a firearm transaction takes place at a gun show,  
11 each licensed importer, licensed manufacturer, or licensed  
12 dealer who transfers 1 or more firearms to a person who  
13 is not licensed under this chapter shall, not later than 10  
14 days after the date on which the transfer occurs, submit  
15 to the Attorney General a report of the transfer, which  
16 report—

17 “(1) shall be in a form specified by the Attor-  
18 ney General by regulation;

19 “(2) shall not include the name of or other  
20 identifying information relating to the transferee;  
21 and

22 “(3) shall not duplicate information provided in  
23 any report required under subsection (e)(4).

24 “(g) FIREARM TRANSACTION DEFINED.—In this sec-  
25 tion, the term ‘firearm transaction’—

1           “(1) includes the offer for sale, sale, transfer,  
2           or exchange of a firearm; and

3           “(2) does not include the mere exhibition of a  
4           firearm.”.

5           (2) PENALTIES.—Section 924(a) of title 18,  
6           United States Code, is amended by adding at the  
7           end the following:

8           “(7)(A) Whoever knowingly violates section 932(a)  
9           shall be fined under this title, imprisoned not more than  
10          5 years, or both.

11          “(B) Whoever knowingly violates subsection (b) or (c)  
12          of section 932, shall be—

13               “(i) fined under this title, imprisoned not more  
14               than 2 years, or both; and

15               “(ii) in the case of a second or subsequent con-  
16               viction, fined under this title, imprisoned not more  
17               than 5 years, or both.

18          “(C) Whoever willfully violates section 932(d), shall  
19          be—

20               “(i) fined under this title, imprisoned not more  
21               than 2 years, or both; and

22               “(ii) in the case of a second or subsequent con-  
23               viction, fined under this title, imprisoned not more  
24               than 5 years, or both.

1       “(D) Whoever knowingly violates subsection (e) or (f)  
 2 of section 932 shall be fined under this title, imprisoned  
 3 not more than 5 years, or both.

4       “(E) In addition to any other penalties imposed  
 5 under this paragraph, the Attorney General may, with re-  
 6 spect to any person who knowingly violates any provision  
 7 of section 932—

8               “(i) if the person is registered under section  
 9 932(a), after notice and opportunity for a hearing,  
 10 suspend for not more than 6 months or revoke the  
 11 registration of that person under section 932(a); and

12               “(ii) impose a civil fine in an amount equal to  
 13 not more than \$10,000.”.

14               (3) TECHNICAL AND CONFORMING AMEND-  
 15 MENTS.—Chapter 44 of title 18, United States  
 16 Code, is amended—

17               (A) in the table of sections, by adding at  
 18 the end the following:

“932. Regulation of firearms transfers at gun shows.”;

19               and

20               (B) in the first sentence of section 923(j),  
 21 by striking “a gun show or event” and inserting  
 22 “an event”; and

23               (c) INSPECTION AUTHORITY.—Section 923(g)(1) is  
 24 amended by adding at the end the following:

1       “(E) Notwithstanding subparagraph (B), the Attor-  
2   ney General may enter during business hours the place  
3   of business of any gun show promoter and any place where  
4   a gun show is held for the purposes of examining the  
5   records required by sections 923 and 932 and the inven-  
6   tory of licensees conducting business at the gun show.  
7   Such entry and examination shall be conducted for the  
8   purposes of determining compliance with this chapter by  
9   gun show promoters and licensees conducting business at  
10  the gun show and shall not require a showing of reason-  
11  able cause or a warrant.”.

12       (d) INCREASED PENALTIES FOR SERIOUS RECORD-  
13  KEEPING VIOLATIONS BY LICENSEES.—Section 924(a)(3)  
14  of title 18, United States Code, is amended to read as  
15  follows:

16       “(3)(A) Except as provided in subparagraph (B), any  
17  licensed dealer, licensed importer, licensed manufacturer,  
18  or licensed collector who knowingly makes any false state-  
19  ment or representation with respect to the information re-  
20  quired by this chapter to be kept in the records of a person  
21  licensed under this chapter, or violates section 922(m)  
22  shall be fined under this title, imprisoned not more than  
23  1 year, or both.

24       “(B) If the violation described in subparagraph (A)  
25  is in relation to an offense—

1           “(i) under paragraph (1) or (3) of section  
2           922(b), such person shall be fined under this title,  
3           imprisoned not more than 5 years, or both; or

4           “(ii) under subsection (a)(6) or (d) of section  
5           922, such person shall be fined under this title, im-  
6           prisoned not more than 10 years, or both.”.

7           (e) INCREASED PENALTIES FOR VIOLATIONS OF  
8 CRIMINAL BACKGROUND CHECK REQUIREMENTS.—

9           (1) PENALTIES.—Section 924(a) of title 18,  
10          United States Code, as amended by this Act, is  
11          amended—

12                 (A) in paragraph (5), by striking “sub-  
13                 section (s) or (t) of section 922” and inserting  
14                 “section 922(s)”; and

15                 (B) by adding at the end the following:

16          “(8) Whoever knowingly violates section 922(t) shall  
17          be fined under this title, imprisoned not more than 5  
18          years, or both.”.

19           (2) ELIMINATION OF CERTAIN ELEMENTS OF  
20          OFFENSE.—Section 922(t)(5) of title 18, United  
21          States Code, is amended by striking “and, at the  
22          time” and all that follows through “State law”.

23          (f) GUN OWNER PRIVACY AND PREVENTION OF  
24 FRAUD AND ABUSE OF SYSTEM INFORMATION.—Section  
25 922(t)(2)(C) of title 18, United States Code, is amended

1 by inserting before the period at the end the following:  
 2 “, as soon as possible, consistent with the responsibility  
 3 of the Attorney General under section 103(h) of the Brady  
 4 Handgun Violence Prevention Act to ensure the privacy  
 5 and security of the system and to prevent system fraud  
 6 and abuse, but in no event later than 90 days after the  
 7 date on which the licensee first contacts the system with  
 8 respect to the transfer”.

9 (g) EFFECTIVE DATE.—This subtitle and the amend-  
 10 ments made by this subtitle shall take effect 180 days  
 11 after the date of enactment of this Act.

## 12 **Subtitle B—Assault Weapons Ban** 13 **Renewal Act of 2007**

### 14 **SEC. 6201. SHORT TITLE.**

15 This subtitle may be cited as the “Assault Weapons  
 16 Ban Renewal Act of 2007”.

### 17 **SEC. 6202. RESTRICTION ON MANUFACTURE, TRANSFER,** 18 **AND POSSESSION OF CERTAIN SEMIAUTO-** 19 **MATIC ASSAULT WEAPONS.**

20 (a) RESTRICTION.—Section 922 of title 18, United  
 21 States Code, is amended by inserting after subsection (u)  
 22 the following:

23 “(v)(1) Except as provided in paragraphs (2) through  
 24 (5) it shall be unlawful for a person to manufacture, trans-  
 25 fer, or possess a semiautomatic assault weapon.

1       “(2) Paragraph (1) shall not apply to the possession  
2 or transfer of any semiautomatic assault weapon otherwise  
3 lawfully possessed under Federal law on the date of the  
4 enactment of the Assault Weapons Ban Renewal Act of  
5 2007.

6       “(3) Paragraph (1) shall not apply to—

7               “(A) any of the firearms, or replicas or dupli-  
8 cates of the firearms, specified in Appendix A to this  
9 section, as such firearms were manufactured on Oc-  
10 tober 1, 1993;

11              “(B) any firearm that—

12                      “(i) is manually operated by bolt, pump,  
13 lever, or slide action;

14                      “(ii) has been rendered permanently inop-  
15 erable; or

16                      “(iii) is an antique firearm;

17              “(C) any semiautomatic rifle that cannot accept  
18 a detachable magazine that holds more than 5  
19 rounds of ammunition; or

20              “(D) any semiautomatic shotgun that cannot  
21 hold more than 5 rounds of ammunition in a fixed  
22 or detachable magazine.

23       “(4) The fact that a firearm is not listed in Appendix  
24 A shall not be construed to mean that paragraph (1) ap-  
25 plies to such firearm.



1 “(5) Paragraph (1) shall not apply to—

2 “(A) the manufacture for, transfer to, or pos-  
3 session by the United States or a department or  
4 agency of the United States or a State or a depart-  
5 ment, agency, or political subdivision of a State, or  
6 a transfer to or possession by a law enforcement of-  
7 ficer employed by such an entity for purposes of law  
8 enforcement (whether on or off duty);

9 “(B) the transfer to a licensee under title I of  
10 the Atomic Energy Act of 1954 for purposes of es-  
11 tablishing and maintaining an on-site physical pro-  
12 tection system and security organization required by  
13 Federal law, or possession by an employee or con-  
14 tractor of such licensee on-site for such purposes or  
15 off-site for purposes of licensee-authorized training  
16 or transportation of nuclear materials;

17 “(C) the possession, by an individual who is re-  
18 tired from service with a law enforcement agency  
19 and is not otherwise prohibited from receiving a fire-  
20 arm, of a semiautomatic assault weapon transferred  
21 to the individual by the agency upon such retire-  
22 ment; or

23 “(D) the manufacture, transfer, or possession  
24 of a semiautomatic assault weapon by a licensed  
25 manufacturer or licensed importer for the purposes

1 of testing or experimentation authorized by the At-  
 2 torney General.”.

3 (b) DEFINITION OF SEMIAUTOMATIC ASSAULT  
 4 WEAPON.—Section 921(a) of title 18, United States Code,  
 5 is amended by inserting after paragraph (29) the fol-  
 6 lowing:

7 “(30) The term ‘semiautomatic assault weapon’  
 8 means the following:

9 “(A) Any of the firearms, or copies or du-  
 10 plicates of the firearms in any caliber, known  
 11 as—

12 “(i) Norinco, Mitchell, and Poly Tech-  
 13 nologies Avtomat Kalashnikovs (all mod-  
 14 els);

15 “(ii) Action Arms Israeli Military In-  
 16 dustries UZI and Galil;

17 “(iii) Beretta Ar70 (SC–70);

18 “(iv) Colt AR–15;

19 “(v) Fabrique National FN/FAL, FN/  
 20 LAR, and FNC;

21 “(vi) SWD M–10, M–11, M–11/9, and  
 22 M–12;

23 “(vii) Steyr AUG;

24 “(viii) INTRATEC TEC–9, TEC–  
 25 DC9 and TEC–22; or

1 “(ix) revolving cylinder shotguns, such  
2 as (or similar to) the Street Sweeper and  
3 Striker 12.

4 “(B)(i) A semiautomatic rifle that has an  
5 ability to accept a detachable magazine and has  
6 at least 2 of the features described in clause  
7 (ii).

8 “(ii) The features described in this clause  
9 are—

10 “(I) a folding or telescoping stock;

11 “(II) a pistol grip that protrudes con-  
12 spicuously beneath the action of the weap-  
13 on;

14 “(III) a bayonet mount;

15 “(IV) a flash suppressor or threaded  
16 barrel designed to accommodate a flash  
17 suppressor; and

18 “(V) a grenade launcher.

19 “(C)(i) A semiautomatic pistol that has an  
20 ability to accept a detachable magazine and has  
21 at least 2 of the features described in clause  
22 (ii).

23 “(ii) The features described in this clause  
24 are—

1 “(I) an ammunition magazine that at-  
2 taches to the pistol outside of the pistol  
3 grip;

4 “(II) a threaded barrel capable of ac-  
5 cepting a barrel extender, flash suppressor,  
6 forward handgrip, or silencer;

7 “(III) a shroud that is attached to, or  
8 partially or completely encircles, the barrel  
9 and that permits the shooter to hold the  
10 firearm with the nontrigger hand without  
11 being burned;

12 “(IV) a manufactured weight of 50  
13 ounces or more when the pistol is un-  
14 loaded; and

15 “(V) a semiautomatic version of an  
16 automatic firearm.

17 “(D)(i) A semiautomatic shotgun that has  
18 at least 2 of the features described in clause  
19 (ii).

20 “(ii) The features described in this clause  
21 are—

22 “(I) a folding or telescoping stock;

23 “(II) a pistol grip that protrudes con-  
24 spicuously beneath the action of the weap-  
25 on;

1 “(III) a fixed magazine capacity in ex-  
2 cess of 5 rounds; and

3 “(IV) an ability to accept a detachable  
4 magazine.”.

5 (c) PENALTIES.—

6 (1) VIOLATION OF SECTION 922(v).—Section  
7 924(a)(1)(B) of title 18, United States Code, is  
8 amended by striking “or (q) of section 922” and in-  
9 serting “(r), or (v) of section 922”.

10 (2) USE OR POSSESSION DURING CRIME OF VIO-  
11 LENCE OR DRUG TRAFFICKING CRIME.—Section  
12 924(c)(1)(B)(i) of title 18, United States Code, is  
13 amended by inserting “or semiautomatic assault  
14 weapon,” after “short-barreled shotgun,”.

15 (d) IDENTIFICATION MARKINGS FOR SEMIAUTO-  
16 Matic ASSAULT WEAPONS.—Section 923(i) of title 18,  
17 United States Code, is amended by adding at the end the  
18 following: “The serial number of any semiautomatic as-  
19 sault weapon manufactured after the date of the enact-  
20 ment of the Assault Weapons Ban Renewal Act of 2007  
21 shall clearly show the date on which the weapon was man-  
22 ufactured.”.

1 **SEC. 6203. BAN OF LARGE CAPACITY AMMUNITION FEED-**  
2 **ING DEVICES.**

3 (a) PROHIBITION.—Section 922 of title 18, United  
4 States Code, is amended by inserting after subsection (u),  
5 as added by this Act, the following:

6 “(w)(1) Except as provided in paragraph (2), it shall  
7 be unlawful for a person to transfer or possess a large  
8 capacity ammunition feeding device.

9 “(2)(A) Paragraph (1) shall not apply to the posses-  
10 sion or transfer of any large capacity ammunition feeding  
11 device otherwise lawfully possessed on or before the date  
12 of the enactment of the Assault Weapons Ban Renewal  
13 Act of 2007.

14 “(B) Paragraph (1) shall not apply to—

15 “(i) the manufacture for, transfer to, or posses-  
16 sion by the United States or a department or agency  
17 of the United States or a State or a department,  
18 agency, or political subdivision of a State, or a  
19 transfer to or possession by a law enforcement offi-  
20 cer employed by such an entity for purposes of law  
21 enforcement (whether on or off duty);

22 “(ii) the transfer to a licensee under title I of  
23 the Atomic Energy Act of 1954 for purposes of es-  
24 tablishing and maintaining an on-site physical pro-  
25 tection system and security organization required by  
26 Federal law, or possession by an employee or con-

1 tractor of such licensee on-site for such purposes or  
2 off-site for purposes of licensee-authorized training  
3 or transportation of nuclear materials;

4 “(iii) the possession, by an individual who is re-  
5 tired from service with a law enforcement agency  
6 and is not otherwise prohibited from receiving am-  
7 munition, of a large capacity ammunition feeding de-  
8 vice transferred to the individual by the agency upon  
9 such retirement; or

10 “(iv) the manufacture, transfer, or possession  
11 of any large capacity ammunition feeding device by  
12 a licensed manufacturer or licensed importer for the  
13 purposes of testing or experimentation authorized by  
14 the Attorney General.

15 “(3) If a person charged with violating paragraph (1)  
16 asserts that paragraph (1) does not apply to such person  
17 because of subparagraph (A) or (B) of paragraph (2), the  
18 Government shall have the burden of proof to show that  
19 such paragraph (1) applies to such person. The lack of  
20 a serial number as described in section 923(i) of this title  
21 shall establish a presumption that the large capacity am-  
22 munition feeding device is not subject to the prohibition  
23 of possession in paragraph (1).”.

24 (b) DEFINITION OF LARGE CAPACITY AMMUNITION  
25 FEEDING DEVICE.—Section 921(a) of title 18, United

1 States Code, as amended by section 110102(b), is amend-  
 2 ed by inserting after paragraph (30), as added by this Act,  
 3 the following:

4 “(31) The term ‘large capacity ammunition  
 5 feeding device’—

6 “(A) means a magazine, belt, drum, feed  
 7 strip, or similar device manufactured after the  
 8 date of enactment of the Assault Weapons Ban  
 9 Renewal Act of 2007 that has a capacity of, or  
 10 that can be readily restored or converted to ac-  
 11 cept, more than 10 rounds of ammunition; and

12 “(B) does not include an attached tubular  
 13 device designed to accept, and capable of oper-  
 14 ating only with, .22 caliber rimfire ammuni-  
 15 tion.”.

16 (c) PENALTY.—Section 924(a)(1)(B) of title 18,  
 17 United States Code, as amended by this Act, is amended  
 18 by striking “or (v)” and inserting “(v), or (w)”.

19 (d) IDENTIFICATION MARKINGS FOR LARGE CAPAC-  
 20 ITY AMMUNITION FEEDING DEVICES.—Section 923(i) of  
 21 title 18, United States Code, as amended by this Act, is  
 22 amended by adding at the end the following: “A large ca-  
 23 pacity ammunition feeding device manufactured after the  
 24 date of enactment of the Assault Weapons Ban Renewal  
 25 Act of 2007 shall be identified by a serial number that



1 clearly shows that the device was manufactured or im-  
2 ported after the effective date of this subsection, and such  
3 other identification as the Attorney General may by regu-  
4 lation prescribe.”.

5 **SEC. 6204. STUDY BY ATTORNEY GENERAL.**

6 (a) STUDY.—The Attorney General shall investigate  
7 and study the effect of this subtitle and the amendments  
8 made by this subtitle, and in particular shall determine  
9 their impact, if any, on violent and drug trafficking crime.  
10 The study shall be conducted over the 18-month period  
11 beginning 12 months after the date of enactment of this  
12 Act.

13 (b) REPORT.—Not later than 30 months after the  
14 date of enactment of this Act, the Attorney General shall  
15 submit to Congress a report setting forth in detail the  
16 findings and determinations made in the study under sub-  
17 section (a).

18 **SEC. 6205. EFFECTIVE DATE.**

19 This subtitle and the amendments made by this sub-  
20 title—

21 (1) shall take effect on the date of enactment  
22 of this Act; and

23 (2) are repealed effective as of the date that is  
24 10 years after that date of enactment.

1 **SEC. 6206. APPENDIX A TO SECTION 922 OF TITLE 18.**

2 Section 922 of title 18, United States Code, is  
3 amended by adding at the end the following appendix:

4 **APPENDIX A.**

5 “CENTERFIRE RIFLES—AUTOLOADERS.—Browning

6 BAR Mark II Safari Semi-Auto Rifle

7 Browning BAR Mark II Safari Magnum Rifle

8 “Browning High-Power Rifle

9 “Heckler & Koch Model 300 Rifle

10 “Iver Johnson M–1 Carbine

11 “Iver Johnson 50th Anniversary M–1 Carbine

12 “Marlin Model 9 Camp Carbine

13 “Marlin Model 45 Carbine

14 “Remington Nylon 66 Auto-Loading Rifle

15 “Remington Model 7400 Auto Rifle

16 “Remington Model 7400 Rifle

17 “Remington Model 7400 Special Purpose Auto Rifle

18 “Ruger Mini–14 Autoloading Rifle (w/o folding  
19 stock)

20 “Ruger Mini Thirty Rifle

21 Browning Model 81 BLR Lever-Action Rifle

22 “Browning Model 81 Long Action BLR

23 “Browning Model 1886 Lever-Action Carbine

24 “Browning Model 1886 High Grade Carbine

25 “Cimarron 1860 Henry Replica

26 “Cimarron 1866 Winchester Replicas

- 1 “Cimarron 1873 Short Rifle
- 2 “Cimarron 1873 Sporting Rifle
- 3 “Cimarron 1873 30” Express Rifle
- 4 “Dixie Engraved 1873 Rifle
- 5 “E.M.F. 1866 Yellowboy Lever Actions
- 6 “E.M.F. 1860 Henry Rifle
- 7 “E.M.F. Model 73 Lever-Action Rifle
- 8 “Marlin Model 336CS Lever-Action Carbine
- 9 “Marlin Model 30AS Lever-Action Carbine
- 10 “Marlin Model 444SS Lever-Action Sporter
- 11 “Marlin Model 1894S Lever-Action Carbine
- 12 “Marlin Model 1894CS Carbine
- 13 “Marlin Model 1894CL Classic
- 14 “Marlin Model 1895SS Lever-Action Rifle
- 15 “Mitchell 1858 Henry Replica
- 16 “Mitchell 1866 Winchester Replica
- 17 “Mitchell 1873 Winchester Replica
- 18 “Navy Arms Military Henry Rifle
- 19 “Navy Arms Henry Trapper
- 20 “Navy Arms Iron Frame Henry
- 21 “Navy Arms Henry Carbine
- 22 “Navy Arms 1866 Yellowboy Rifle
- 23 “Navy Arms 1873 Winchester-Style Rifle
- 24 “Navy Arms 1873 Sporting Rifle
- 25 “Remington 7600 Slide Action

- 1       “Remington Model 7600 Special Purpose Slide Ac-
- 2   tion
- 3       “Rossi M92 SRC Saddle-Ring Carbine
- 4       “Rossi M92 SRS Short Carbine
- 5       “Savage 99C Lever-Action Rifle
- 6       “Uberti Henry Rifle
- 7       “Uberti 1866 Sporting Rifle
- 8       “Uberti 1873 Sporting Rifle
- 9       “Winchester Model 94 Side Eject Lever-Action Rifle
- 10      “Winchester Model 94 Trapper Side Eject
- 11      “Winchester Model 94 Big Bore Side Eject
- 12      “Winchester Model 94 Ranger Side Eject Lever-Ac-
- 13   tion Rifle
- 14      “Winchester Model 94 Wrangler Side Eject
- 15   Alpine Bolt-Action Rifle
- 16      “A-Square Caesar Bolt-Action Rifle
- 17      “A-Square Hannibal Bolt-Action Rifle
- 18      “Anschutz 1700D Classic Rifles
- 19      “Anschutz 1700D Custom Rifles
- 20      “Anschutz 1700D Bavarian Bolt-Action Rifle
- 21      “Anschutz 1733D Mannlicher Rifle
- 22      “Barret Model 90 Bolt-Action Rifle
- 23      “Beeman/HW 60J Bolt-Action Rifle
- 24      “Blaser R84 Bolt-Action Rifle
- 25      “BRNO 537 Sporter Bolt-Action Rifle

- 1 “BRNO ZKB 527 Fox Bolt-Action Rifle
- 2 “BRNO ZKK 600, 601, 602 Bolt-Action Rifles
- 3 “Browning A–Bolt Rifle
- 4 “Browning A–Bolt Stainless Stalker
- 5 “Browning A–Bolt Left Hand
- 6 “Browning A–Bolt Short Action
- 7 “Browning Euro-Bolt Rifle
- 8 “Browning A–Bolt Gold Medallion
- 9 “Browning A–Bolt Micro Medallion
- 10 “Century Centurion 14 Sporter
- 11 “Century Enfield Sporter #4
- 12 “Century Swedish Sporter #38
- 13 “Century Mauser 98 Sporter
- 14 “Cooper Model 38 Centerfire Sporter
- 15 “Dakota 22 Sporter Bolt-Action Rifle
- 16 “Dakota 76 Classic Bolt-Action Rifle
- 17 “Dakota 76 Short Action Rifles
- 18 “Dakota 76 Safari Bolt-Action Rifle
- 19 “Dakota 416 Rigby African
- 20 “E.A.A./Sabatti Rover 870 Bolt-Action Rifle
- 21 “Auguste Francotte Bolt-Action Rifles
- 22 “Carl Gustaf 2000 Bolt-Action Rifle
- 23 “Heym Magnum Express Series Rifle
- 24 “Hwa Lightning Bolt-Action Rifle
- 25 “Hwa Realtree Camo Rifle

- 1 “Interarms Mark X Viscount Bolt-Action Rifle
- 2 “Interarms Mini-Mark X Rifle
- 3 “Interarms Mark X Whitworth Bolt-Action Rifle
- 4 “Interarms Whitworth Express Rifle
- 5 “Iver Johnson Model 5100A1 Long-Range Rifle
- 6 “KDF K15 American Bolt-Action Rifle
- 7 “Krico Model 600 Bolt-Action Rifle
- 8 “Krico Model 700 Bolt-Action Rifles
- 9 “Mauser Model 66 Bolt-Action Rifle
- 10 “Mauser Model 99 Bolt-Action Rifle
- 11 “McMillan Signature Classic Sporter
- 12 “McMillan Signature Super Varminter
- 13 “McMillan Signature Alaskan
- 14 “McMillan Signature Titanium Mountain Rifle
- 15 “McMillan Classic Stainless Sporter
- 16 “McMillan Talon Safari Rifle
- 17 “McMillan Talon Sporter Rifle
- 18 “Midland 1500S Survivor Rifle
- 19 “Navy Arms TU–33/40 Carbine
- 20 “Parker-Hale Model 81 Classic Rifle
- 21 “Parker-Hale Model 81 Classic African Rifle
- 22 “Parker-Hale Model 1000 Rifle
- 23 “Parker-Hale Model 1100M African Magnum
- 24 “Parker-Hale Model 1100 Lightweight Rifle
- 25 “Parker-Hale Model 1200 Super Rifle

- 1 “Parker-Hale Model 1200 Super Clip Rifle
- 2 “Parker-Hale Model 1300C Scout Rifle
- 3 “Parker-Hale Model 2100 Midland Rifle
- 4 “Parker-Hale Model 2700 Lightweight Rifle
- 5 “Parker-Hale Model 2800 Midland Rifle
- 6 “Remington Model Seven Bolt-Action Rifle
- 7 “Remington Model Seven Youth Rifle
- 8 “Remington Model Seven Custom KS
- 9 “Remington Model Seven Custom MS Rifle
- 10 “Remington 700 ADL Bolt-Action Rifle
- 11 “Remington 700 BDL Bolt-Action Rifle
- 12 “Remington 700 BDL Varmint Special
- 13 “Remington 700 BDL European Bolt-Action Rifle
- 14 “Remington 700 Varmint Synthetic Rifle
- 15 “Remington 700 BDL SS Rifle
- 16 “Remington 700 Stainless Synthetic Rifle
- 17 “Remington 700 MTRSS Rifle
- 18 “Remington 700 BDL Left Hand
- 19 “Remington 700 Camo Synthetic Rifle
- 20 “Remington 700 Safari
- 21 “Remington 700 Mountain Rifle
- 22 “Remington 700 Custom KS Mountain Rifle
- 23 “Remington 700 Classic Rifle
- 24 “Ruger M77 Mark II Rifle
- 25 “Ruger M77 Mark II Magnum Rifle

- 1 “Ruger M77RL Ultra Light
- 2 “Ruger M77 Mark II All-Weather Stainless Rifle
- 3 “Ruger M77 RSI International Carbine
- 4 “Ruger M77 Mark II Express Rifle
- 5 “Ruger M77VT Target Rifle
- 6 “Sako Hunter Rifle
- 7 “Sako FiberClass Sporter
- 8 “Sako Safari Grade Bolt Action
- 9 “Sako Hunter Left-Hand Rifle
- 10 “Sako Classic Bolt Action
- 11 “Sako Hunter LS Rifle
- 12 “Sako Deluxe Lightweight
- 13 “Sako Super Deluxe Sporter
- 14 “Sako Mannlicher-Style Carbine
- 15 “Sako Varmint Heavy Barrel
- 16 “Sako TRG–S Bolt-Action Rifle
- 17 “Sauer 90 Bolt-Action Rifle
- 18 “Savage 110G Bolt-Action Rifle
- 19 “Savage 110CY Youth/Ladies Rifle
- 20 “Savage 110WLE One of One Thousand Limited
- 21 Edition Rifle
- 22 “Savage 110GXP3 Bolt-Action Rifle
- 23 “Savage 110F Bolt-Action Rifle
- 24 “Savage 110FXP3 Bolt-Action Rifle
- 25 “Savage 110GV Varmint Rifle



- 1       “Savage 112FV Varmint Rifle
- 2       “Savage Model 112FVS Varmint Rifle
- 3       “Savage Model 112BV Heavy Barrel Varmint Rifle
- 4       “Savage 116FSS Bolt-Action Rifle
- 5       “Savage Model 116FSK Kodiak Rifle
- 6       “Savage 110FP Police Rifle
- 7       “Steyr-Mannlicher Sporter Models SL, L, M, S, S/  
8 T
- 9       “Steyr-Mannlicher Luxus Model L, M, S
- 10      “Steyr-Mannlicher Model M Professional Rifle
- 11      “Tikka Bolt-Action Rifle
- 12      “Tikka Premium Grade Rifles
- 13      “Tikka Varmint/Continental Rifle
- 14      “Tikka Whitetail/Battue Rifle
- 15      “Ultra Light Arms Model 20 Rifle
- 16      “Ultra Light Arms Model 28, Model 40 Rifles
- 17      “Voere VEC 91 Lightning Bolt-Action Rifle
- 18      “Voere Model 2165 Bolt-Action Rifle
- 19      “Voere Model 2155, 2150 Bolt-Action Rifles
- 20      “Weatherby Mark V Deluxe Bolt-Action Rifle
- 21      “Weatherby Lasermark V Rifle
- 22      “Weatherby Mark V Crown Custom Rifles
- 23      “Weatherby Mark V Sporter Rifle
- 24      “Weatherby Mark V Safari Grade Custom Rifles
- 25      “Weatherby Weathermark Rifle

- 1 “Weatherby Weathermark Alaskan Rifle
- 2 “Weatherby Classicmark No. 1 Rifle
- 3 “Weatherby Weatherguard Alaskan Rifle
- 4 “Weatherby Vanguard VGX Deluxe Rifle
- 5 “Weatherby Vanguard Classic Rifle
- 6 “Weatherby Vanguard Classic No. 1 Rifle
- 7 “Weatherby Vanguard Weatherguard Rifle
- 8 “Wichita Classic Rifle
- 9 “Wichita Varmint Rifle
- 10 “Winchester Model 70 Sporter
- 11 “Winchester Model 70 Sporter WinTuff
- 12 “Winchester Model 70 SM Sporter
- 13 “Winchester Model 70 Stainless Rifle
- 14 “Winchester Model 70 Varmint
- 15 “Winchester Model 70 Synthetic Heavy Varmint
- 16 Rifle
- 17 “Winchester Model 70 DBM Rifle
- 18 “Winchester Model 70 DBM–S Rifle
- 19 “Winchester Model 70 Featherweight
- 20 “Winchester Model 70 Featherweight WinTuff
- 21 “Winchester Model 70 Featherweight Classic
- 22 “Winchester Model 70 Lightweight Rifle
- 23 “Winchester Ranger Rifle
- 24 “Winchester Model 70 Super Express Magnum
- 25 “Winchester Model 70 Super Grade

- 1 “Winchester Model 70 Custom Sharpshooter
- 2 “Winchester Model 70 Custom Sporting Sharp-
- 3 shooter Rifle
- 4 Armsport 1866 Sharps Rifle, Carbine
- 5 “Brown Model One Single Shot Rifle
- 6 “Browning Model 1885 Single Shot Rifle
- 7 “Dakota Single Shot Rifle
- 8 “Desert Industries G-90 Single Shot Rifle
- 9 “Harrington & Richardson Ultra Varmint Rifle
- 10 “Model 1885 High Wall Rifle
- 11 “Navy Arms Rolling Block Buffalo Rifle
- 12 “Navy Arms #2 Creedmoor Rifle
- 13 “Navy Arms Sharps Cavalry Carbine
- 14 “Navy Arms Sharps Plains Rifle
- 15 “New England Firearms Handi-Rifle
- 16 “Red Willow Armory Ballard No. 5 Pacific
- 17 “Red Willow Armory Ballard No. 1.5 Hunting Rifle
- 18 “Red Willow Armory Ballard No. 8 Union Hill Rifle
- 19 “Red Willow Armory Ballard No. 4.5 Target Rifle
- 20 “Remington-Style Rolling Block Carbine
- 21 “Ruger No. 1B Single Shot
- 22 “Ruger No. 1A Light Sporter
- 23 “Ruger No. 1H Tropical Rifle
- 24 “Ruger No. 1S Medium Sporter
- 25 “Ruger No. 1 RSI International

- 1 “Ruger No. 1V Special Varminter
- 2 “C.Sharps Arms New Model 1874 Old Reliable
- 3 “C.Sharps Arms New Model 1875 Rifle
- 4 “C.Sharps Arms 1875 Classic Sharps
- 5 “C.Sharps Arms New Model 1875 Target & Long
- 6 Range
- 7 “Shiloh Sharps 1874 Long Range Express
- 8 “Shiloh Sharps 1874 Montana Roughrider
- 9 “Shiloh Sharps 1874 Military Carbine
- 10 “Shiloh Sharps 1874 Business Rifle
- 11 “Shiloh Sharps 1874 Military Rifle
- 12 “Sharps 1874 Old Reliable
- 13 “Thompson/Center Contender Carbine
- 14 “Thompson/Center Stainless Contender Carbine
- 15 “Thompson/Center Contender Carbine Survival Sys-
- 16 tem
- 17 “Thompson/Center Contender Carbine Youth Model
- 18 “Thompson/Center TCR '87 Single Shot Rifle
- 19 “Uberti Rolling Block Baby Carbine
- 20 Beretta Express SSO O/U Double Rifles
- 21 “Beretta Model 455 SxS Express Rifle
- 22 “Chapuis RGExpress Double Rifle
- 23 “Auguste Francotte Sidelock Double Rifles
- 24 “Auguste Francotte Boxlock Double Rifle
- 25 “Heym Model 55B O/U Double Rifle

- 1 “Heym Model 55FW O/U Combo Gun
- 2 “Heym Model 88b Side-by-Side Double Rifle
- 3 “Kodiak Mk. IV Double Rifle
- 4 “Kreighoff Teck O/U Combination Gun
- 5 “Kreighoff Trumpf Drilling
- 6 “Merkel Over/Under Combination Guns
- 7 “Merkel Drillings
- 8 “Merkel Model 160 Side-by-Side Double Rifles
- 9 “Merkel Over/Under Double Rifles
- 10 “Savage 24F O/U Combination Gun
- 11 “Savage 24F-12T Turkey Gun
- 12 “Springfield Inc. M6 Scout Rifle/Shotgun
- 13 “Tikka Model 412s Combination Gun
- 14 “Tikka Model 412S Double Fire
- 15 “A. Zoli Rifle-Shotgun O/U Combo
- 16 AMT Lightning 25/22 Rifle
- 17 “AMT Lightning Small-Game Hunting Rifle II
- 18 “AMT Magnum Hunter Auto Rifle
- 19 “Anschutz 525 Deluxe Auto
- 20 “Armscor Model 20P Auto Rifle
- 21 “Browning Auto–22 Rifle
- 22 “Browning Auto–22 Grade VI
- 23 “Krico Model 260 Auto Rifle
- 24 “Lakefield Arms Model 64B Auto Rifle
- 25 “Marlin Model 60 Self-Loading Rifle

- 1 “Marlin Model 60ss Self-Loading Rifle
- 2 “Marlin Model 70 HC Auto
- 3 “Marlin Model 990l Self-Loading Rifle
- 4 “Marlin Model 70P Papoose
- 5 “Marlin Model 922 Magnum Self-Loading Rifle
- 6 “Marlin Model 995 Self-Loading Rifle
- 7 “Norinco Model 22 ATD Rifle
- 8 “Remington Model 522 Viper Autoloading Rifle
- 9 “Remington 552BDL Speedmaster Rifle
- 10 “Ruger 10/22 Autoloading Carbine (w/o folding
- 11 stock)
- 12 “Survival Arms AR–7 Explorer Rifle
- 13 “Texas Remington Revolving Carbine
- 14 “Voere Model 2115 Auto Rifle
- 15 Browning BL–22 Lever-Action Rifle
- 16 “Marlin 39TDS Carbine
- 17 “Marlin Model 39AS Golden Lever-Action Rifle
- 18 “Remington 572BDL Fieldmaster Pump Rifle
- 19 “Norinco EM–321 Pump Rifle
- 20 “Rossi Model 62 SA Pump Rifle
- 21 “Rossi Model 62 SAC Carbine
- 22 “Winchester Model 9422 Lever-Action Rifle
- 23 “Winchester Model 9422 Magnum Lever-Action Rifle
- 24 Anschutz Achiever Bolt-Action Rifle
- 25 “Anschutz 1416D/1516D Classic Rifles

- 1 “Anschutz 1418D/1518D Mannlicher Rifles
- 2 “Anschutz 1700D Classic Rifles
- 3 “Anschutz 1700D Custom Rifles
- 4 “Anschutz 1700 FWT Bolt-Action Rifle
- 5 “Anschutz 1700D Graphite Custom Rifle
- 6 “Anschutz 1700D Bavarian Bolt-Action Rifle
- 7 “Armscor Model 14P Bolt-Action Rifle
- 8 “Armscor Model 1500 Rifle
- 9 “BRNO ZKM–452 Deluxe Bolt-Action Rifle
- 10 “BRNO ZKM–452 Deluxe
- 11 “Beeman/HW 60–J–ST Bolt-Action Rifle
- 12 “Browning A–Bolt 22 Bolt-Action Rifle
- 13 “Browning A–Bolt Gold Medallion
- 14 “Cabanias Phaser Rifle
- 15 “Cabanias Master Bolt-Action Rifle
- 16 “Cabanias Espronceda IV Bolt-Action Rifle
- 17 “Cabanias Leyre Bolt-Action Rifle
- 18 “Chipmunk Single Shot Rifle
- 19 “Cooper Arms Model 36S Sporter Rifle
- 20 “Dakota 22 Sporter Bolt-Action Rifle
- 21 “Krico Model 300 Bolt-Action Rifles
- 22 “Lakefield Arms Mark II Bolt-Action Rifle
- 23 “Lakefield Arms Mark I Bolt-Action Rifle
- 24 “Magtech Model MT–22C Bolt-Action Rifle
- 25 “Marlin Model 880 Bolt-Action Rifle

- 1 “Marlin Model 881 Bolt-Action Rifle
- 2 “Marlin Model 882 Bolt-Action Rifle
- 3 “Marlin Model 883 Bolt-Action Rifle
- 4 “Marlin Model 883SS Bolt-Action Rifle
- 5 “Marlin Model 25MN Bolt-Action Rifle
- 6 “Marlin Model 25N Bolt-Action Repeater
- 7 “Marlin Model 15YN ‘Little Buckaroo’
- 8 “Mauser Model 107 Bolt-Action Rifle
- 9 “Mauser Model 201 Bolt-Action Rifle
- 10 “Navy Arms TU–KKW Training Rifle
- 11 “Navy Arms TU–33/40 Carbine
- 12 “Navy Arms TU–KKW Sniper Trainer
- 13 “Norinco JW–27 Bolt-Action Rifle
- 14 “Norinco JW–15 Bolt-Action Rifle
- 15 “Remington 541–T
- 16 “Remington 40–XR Rimfire Custom Sporter
- 17 “Remington 541–T HB Bolt-Action Rifle
- 18 “Remington 581–S Sportsman Rifle
- 19 “Ruger 77/22 Rimfire Bolt-Action Rifle
- 20 “Ruger K77/22 Varmint Rifle
- 21 “Ultra Light Arms Model 20 RF Bolt-Action Rifle
- 22 “Winchester Model 52B Sporting Rifle
- 23 Anschutz 64–MS Left Silhouette
- 24 “Anschutz 1808D RT Super Match 54 Target
- 25 “Anschutz 1827B Biathlon Rifle



- 1 “Anschutz 1903D Match Rifle
- 2 “Anschutz 1803D Intermediate Match
- 3 “Anschutz 1911 Match Rifle
- 4 “Anschutz 54.18MS REP Deluxe Silhouette Rifle
- 5 “Anschutz 1913 Super Match Rifle
- 6 “Anschutz 1907 Match Rifle
- 7 “Anschutz 1910 Super Match II
- 8 “Anschutz 54.18MS Silhouette Rifle
- 9 “Anschutz Super Match 54 Target Model 2013
- 10 “Anschutz Super Match 54 Target Model 2007
- 11 “Beeman/Feinwerkbau 2600 Target Rifle
- 12 “Cooper Arms Model TRP–1 ISU Standard Rifle
- 13 “E.A.A./Weihrauch HW 60 Target Rifle
- 14 “E.A.A./HW 660 Match Rifle
- 15 “Finnish Lion Standard Target Rifle
- 16 “Krico Model 360 S2 Biathlon Rifle
- 17 “Krico Model 400 Match Rifle
- 18 “Krico Model 360S Biathlon Rifle
- 19 “Krico Model 500 Kricotronic Match Rifle
- 20 “Krico Model 600 Sniper Rifle
- 21 “Krico Model 600 Match Rifle
- 22 “Lakefield Arms Model 90B Target Rifle
- 23 “Lakefield Arms Model 91T Target Rifle
- 24 “Lakefield Arms Model 92S Silhouette Rifle
- 25 “Marlin Model 2000 Target Rifle

- 1 “Mauser Model 86–SR Specialty Rifle
- 2 “McMillan M–86 Sniper Rifle
- 3 “McMillan Combo M–87/M–88 50-Caliber Rifle
- 4 “McMillan 300 Phoenix Long Range Rifle
- 5 “McMillan M–89 Sniper Rifle
- 6 “McMillan National Match Rifle
- 7 “McMillan Long Range Rifle
- 8 “Parker-Hale M–87 Target Rifle
- 9 “Parker-Hale M–85 Sniper Rifle
- 10 “Remington 40–XB Rangemaster Target Centerfire
- 11 “Remington 40–XR KS Rimfire Position Rifle
- 12 “Remington 40–XBBR KS
- 13 “Remington 40–XC KS National Match Course Rifle
- 14 “Sako TRG–21 Bolt-Action Rifle
- 15 “Steyr-Mannlicher Match SPG–UIT Rifle
- 16 “Steyr-Mannlicher SSG P–I Rifle
- 17 “Steyr-Mannlicher SSG P–III Rifle
- 18 “Steyr-Mannlicher SSG P–IV Rifle
- 19 “Tanner Standard UIT Rifle
- 20 “Tanner 50 Meter Free Rifle
- 21 “Tanner 300 Meter Free Rifle
- 22 “Wichita Silhouette Rifle
- 23 American Arms/Franchi Black Magic 48/AL
- 24 “Benelli Super Black Eagle Shotgun
- 25 “Benelli Super Black Eagle Slug Gun

- 1 “Benelli M1 Super 90 Field Auto Shotgun
- 2 “Benelli Montefeltro Super 90 20–Gauge Shotgun
- 3 “Benelli Montefeltro Super 90 Shotgun
- 4 “Benelli M1 Sporting Special Auto Shotgun
- 5 “Benelli Black Eagle Competition Auto Shotgun
- 6 “Beretta A–303 Auto Shotgun
- 7 “Beretta 390 Field Auto Shotgun
- 8 “Beretta 390 Super Trap, Super Skeet Shotguns
- 9 “Beretta Vittoria Auto Shotgun
- 10 “Beretta Model 1201F Auto Shotgun
- 11 “Browning BSA 10 Auto Shotgun
- 12 “Browning BSA 10 Stalker Auto Shotgun
- 13 “Browning A–500R Auto Shotgun
- 14 “Browning A–500G Auto Shotgun
- 15 “Browning A–500G Sporting Clays
- 16 “Browning Auto–5 Light 12 and 20
- 17 “Browning Auto–5 Stalker
- 18 “Browning Auto–5 Magnum 20
- 19 “Browning Auto–5 Magnum 12
- 20 “Churchill Turkey Automatic Shotgun
- 21 “Cosmi Automatic Shotgun
- 22 “Maverick Model 60 Auto Shotgun
- 23 “Mossberg Model 5500 Shotgun
- 24 “Mossberg Model 9200 Regal Semi-Auto Shotgun
- 25 “Mossberg Model 9200 USST Auto Shotgun

- 1 “Mossberg Model 9200 Camo Shotgun
- 2 “Mossberg Model 6000 Auto Shotgun
- 3 “Remington Model 1100 Shotgun
- 4 “Remington 11–87 Premier Shotgun
- 5 “Remington 11–87 Sporting Clays
- 6 “Remington 11–87 Premier Skeet
- 7 “Remington 11–87 Premier Trap
- 8 “Remington 11–87 Special Purpose Magnum
- 9 “Remington 11–87 SPS–T Camo Auto Shotgun
- 10 “Remington 11–87 Special Purpose Deer Gun
- 11 “Remington 11–87 SPS–BG–Camo Deer/Turkey
- 12 Shotgun
- 13 “Remington 11–87 SPS–Deer Shotgun
- 14 “Remington 11–87 Special Purpose Synthetic Camo
- 15 “Remington SP–10 Magnum–Camo Auto Shotgun
- 16 “Remington SP–10 Magnum Auto Shotgun
- 17 “Remington SP–10 Magnum Turkey Combo
- 18 “Remington 1100 LT–20 Auto
- 19 “Remington 1100 Special Field
- 20 “Remington 1100 20–Gauge Deer Gun
- 21 “Remington 1100 LT–20 Tournament Skeet
- 22 “Winchester Model 1400 Semi-Auto Shotgun
- 23 Browning Model 42 Pump Shotgun
- 24 “Browning BPS Pump Shotgun
- 25 “Browning BPS Stalker Pump Shotgun

- 1        “Browning BPS Pigeon Grade Pump Shotgun
- 2        “Browning BPS Pump Shotgun (Ladies and Youth
- 3 Model)
- 4        “Browning BPS Game Gun Turkey Special
- 5        “Browning BPS Game Gun Deer Special
- 6        “Ithaca Model 87 Supreme Pump Shotgun
- 7        “Ithaca Model 87 Deerslayer Shotgun
- 8        “Ithaca Deerslayer II Rifled Shotgun
- 9        “Ithaca Model 87 Turkey Gun
- 10       “Ithaca Model 87 Deluxe Pump Shotgun
- 11       “Magtech Model 586–VR Pump Shotgun
- 12       “Maverick Models 88, 91 Pump Shotguns
- 13       “Mossberg Model 500 Sporting Pump
- 14       “Mossberg Model 500 Camo Pump
- 15       “Mossberg Model 500 Muzzleloader Combo
- 16       “Mossberg Model 500 Trophy Slugster
- 17       “Mossberg Turkey Model 500 Pump
- 18       “Mossberg Model 500 Bantam Pump
- 19       “Mossberg Field Grade Model 835 Pump Shotgun
- 20       “Mossberg Model 835 Regal Ulti-Mag Pump
- 21       “Remington 870 Wingmaster
- 22       “Remington 870 Special Purpose Deer Gun
- 23       “Remington 870 SPS–BG–Camo Deer/Turkey Shot-
- 24 gun
- 25       “Remington 870 SPS–Deer Shotgun

- 1 “Remington 870 Marine Magnum
- 2 “Remington 870 TC Trap
- 3 “Remington 870 Special Purpose Synthetic Camo
- 4 “Remington 870 Wingmaster Small Gauges
- 5 “Remington 870 Express Rifle Sighted Deer Gun
- 6 “Remington 870 SPS Special Purpose Magnum
- 7 “Remington 870 SPS-T Camo Pump Shotgun
- 8 “Remington 870 Special Field
- 9 “Remington 870 Express Turkey
- 10 “Remington 870 High Grades
- 11 “Remington 870 Express
- 12 “Remington Model 870 Express Youth Gun
- 13 “Winchester Model 12 Pump Shotgun
- 14 “Winchester Model 42 High Grade Shotgun
- 15 “Winchester Model 1300 Walnut Pump
- 16 “Winchester Model 1300 Slug Hunter Deer Gun
- 17 “Winchester Model 1300 Ranger Pump Gun Combo
- 18 & Deer Gun
- 19 “Winchester Model 1300 Turkey Gun
- 20 “Winchester Model 1300 Ranger Pump Gun
- 21 American Arms/Franchi Falconet 2000 O/U
- 22 “American Arms Silver I O/U
- 23 “American Arms Silver II Shotgun
- 24 “American Arms Silver Skeet O/U
- 25 “American Arms/Franchi Sporting 2000 O/U

- 1 “American Arms Silver Sporting O/U
- 2 “American Arms Silver Trap O/U
- 3 “American Arms WS/OU 12, TS/OU 12 Shotguns
- 4 “American Arms WT/OU 10 Shotgun
- 5 “Armsport 2700 O/U Goose Gun
- 6 “Armsport 2700 Series O/U
- 7 “Armsport 2900 Tri-Barrel Shotgun
- 8 “Baby Bretton Over/Under Shotgun
- 9 “Beretta Model 686 Ultralight O/U
- 10 “Beretta ASE 90 Competition O/U Shotgun
- 11 “Beretta Over/Under Field Shotguns
- 12 “Beretta Onyx Hunter Sport O/U Shotgun
- 13 “Beretta Model SO5, SO6, SO9 Shotguns
- 14 “Beretta Sporting Clay Shotguns
- 15 “Beretta 687EL Sporting O/U
- 16 “Beretta 682 Super Sporting O/U
- 17 “Beretta Series 682 Competition Over/Unders
- 18 “Browning Citori O/U Shotgun
- 19 “Browning Superlight Citori Over/Under
- 20 “Browning Lightning Sporting Clays
- 21 “Browning Micro Citori Lightning
- 22 “Browning Citori Plus Trap Combo
- 23 “Browning Citori Plus Trap Gun
- 24 “Browning Citori O/U Skeet Models
- 25 “Browning Citori O/U Trap Models

- 1        “Browning Special Sporting Clays
- 2        “Browning Citori GTI Sporting Clays
- 3        “Browning 325 Sporting Clays
- 4        “Centurion Over/Under Shotgun
- 5        “Chapuis Over/Under Shotgun
- 6        “Connecticut Valley Classics Classic Sporter O/U
- 7        “Connecticut Valley Classics Classic Field
- 8 Waterfowler
- 9        “Charles Daly Field Grade O/U
- 10       “Charles Daly Lux Over/Under
- 11       “E.A.A./Sabatti Sporting Clays Pro-Gold O/U
- 12       “E.A.A./Sabatti Falcon-Mon Over/Under
- 13       “Kassnar Grade I O/U Shotgun
- 14       “Krieghoff K-80 Sporting Clays O/U
- 15       “Krieghoff K-80 Skeet Shotgun
- 16       “Krieghoff K-80 International Skeet
- 17       “Krieghoff K-80 Four-Barrel Skeet Set
- 18       “Krieghoff K-80/RT Shotguns
- 19       “Krieghoff K-80 O/U Trap Shotgun
- 20       “Laurona Silhouette 300 Sporting Clays
- 21       “Laurona Silhouette 300 Trap
- 22       “Laurona Super Model Over/Unders
- 23       “Ljutic LM-6 Deluxe O/U Shotgun
- 24       “Marocchi Conquista Over/Under Shotgun
- 25       “Marocchi Avanza O/U Shotgun



- 1 “Merkel Model 200E O/U Shotgun
- 2 “Merkel Model 200E Skeet, Trap Over/Unders
- 3 “Merkel Model 203E, 303E Over/Under Shotguns
- 4 “Perazzi Mirage Special Sporting O/U
- 5 “Perazzi Mirage Special Four-Gauge Skeet
- 6 “Perazzi Sporting Classic O/U
- 7 “Perazzi MX7 Over/Under Shotguns
- 8 “Perazzi Mirage Special Skeet Over/Under
- 9 “Perazzi MX8/MX8 Special Trap, Skeet
- 10 “Perazzi MX8/20 Over/Under Shotgun
- 11 “Perazzi MX9 Single Over/Under Shotguns
- 12 “Perazzi MX12 Hunting Over/Under
- 13 “Perazzi MX28, MX410 Game O/U Shotguns
- 14 “Perazzi MX20 Hunting Over/Under
- 15 “Piotti Boss Over/Under Shotgun
- 16 “Remington Peerless Over/Under Shotgun
- 17 “Ruger Red Label O/U Shotgun
- 18 “Ruger Sporting Clays O/U Shotgun
- 19 “San Marco 12–Ga. Wildflower Shotgun
- 20 “San Marco Field Special O/U Shotgun
- 21 “San Marco 10–Ga. O/U Shotgun
- 22 “SKB Model 505 Deluxe Over/Under Shotgun
- 23 “SKB Model 685 Over/Under Shotgun
- 24 “SKB Model 885 Over/Under Trap, Skeet, Sporting
- 25 Clays

- 1 “Stoeger/IGA Condor I O/U Shotgun
- 2 “Stoeger/IGA ERA 2000 Over/Under Shotgun
- 3 “Techni-Mec Model 610 Over/Under
- 4 “Tikka Model 412S Field Grade Over/Under
- 5 “Weatherby Athena Grade IV O/U Shotguns
- 6 “Weatherby Athena Grade V Classic Field O/U
- 7 “Weatherby Orion O/U Shotguns
- 8 “Weatherby II, III Classic Field O/Us
- 9 “Weatherby Orion II Classic Sporting Clays O/U
- 10 “Weatherby Orion II Sporting Clays O/U
- 11 “Winchester Model 1001 O/U Shotgun
- 12 “Winchester Model 1001 Sporting Clays O/U
- 13 “Pietro Zanoletti Model 2000 Field O/U
- 14 American Arms Brittany Shotgun
- 15 “American Arms Gentry Double Shotgun
- 16 “American Arms Derby Side-by-Side
- 17 “American Arms Grulla #2 Double Shotgun
- 18 “American Arms WS/SS 10
- 19 “American Arms TS/SS 10 Double Shotgun
- 20 “American Arms TS/SS 12 Side-by-Side
- 21 “Arrieta Sidelock Double Shotguns
- 22 “Armsport 1050 Series Double Shotguns
- 23 “Arizaga Model 31 Double Shotgun
- 24 “AYA Boxlock Shotguns
- 25 “AYA Sidelock Double Shotguns

- 1 “Beretta Model 452 Sidelock Shotgun
- 2 “Beretta Side-by-Side Field Shotguns
- 3 “Crucelegui Hermanos Model 150 Double
- 4 “Chapuis Side-by-Side Shotgun
- 5 “E.A.A./Sabatti Saba-Mon Double Shotgun
- 6 “Charles Daly Model Dss Double
- 7 “Ferlib Model F VII Double Shotgun
- 8 “Auguste Francotte Boxlock Shotgun
- 9 “Auguste Francotte Sidelock Shotgun
- 10 “Garbi Model 100 Double
- 11 “Garbi Model 101 Side-by-Side
- 12 “Garbi Model 103A, B Side-by-Side
- 13 “Garbi Model 200 Side-by-Side
- 14 “Bill Hanus Birdgun Doubles
- 15 “Hatfield Uplander Shotgun
- 16 “Merkel Model 8, 47E Side-by-Side Shotguns
- 17 “Merkel Model 47LSC Sporting Clays Double
- 18 “Merkel Model 47S, 147S Side-by-Sides
- 19 “Parker Reproductions Side-by-Side
- 20 “Piotti King No. 1 Side-by-Side
- 21 “Piotti Lunik Side-by-Side
- 22 “Piotti King Extra Side-by-Side
- 23 “Piotti Piuma Side-by-Side
- 24 “Precision Sports Model 600 Series Doubles
- 25 “Rizzini Boxlock Side-by-Side

- 1 “Rizzini Sidelock Side-by-Side
- 2 “Stoeger/IGA Uplander Side-by-Side Shotgun
- 3 “Ugartechea 10–Ga. Magnum Shotgun
- 4 Armsport Single Barrel Shotgun
- 5 “Browning BT–99 Competition Trap Special
- 6 “Browning BT–99 Plus Trap Gun
- 7 “Browning BT–99 Plus Micro
- 8 “Browning Recoilless Trap Shotgun
- 9 “Browning Micro Recoilless Trap Shotgun
- 10 “Desert Industries Big Twenty Shotgun
- 11 “Harrington & Richardson Topper Model 098
- 12 “Harrington & Richardson Topper Classic Youth
- 13 Shotgun
- 14 “Harrington & Richardson N.W.T.F. Turkey Mag
- 15 “Harrington & Richardson Topper Deluxe Model 098
- 16 “Krieghoff KS–5 Trap Gun
- 17 “Krieghoff KS–5 Special
- 18 “Krieghoff K–80 Single Barrel Trap Gun
- 19 “Ljutic Mono Gun Single Barrel
- 20 “Ljutic LTX Super Deluxe Mono Gun
- 21 “Ljutic Recoilless Space Gun Shotgun
- 22 “Marlin Model 55 Goose Gun Bolt Action
- 23 “New England Firearms Turkey and Goose Gun
- 24 “New England Firearms N.W.T.F. Shotgun
- 25 “New England Firearms Tracker Slug Gun

1 “New England Firearms Standard Pardner  
 2 “New England Firearms Survival Gun  
 3 “Perazzi TM1 Special Single Trap  
 4 “Remington 90–T Super Single Shotgun  
 5 “Snake Charmer II Shotgun  
 6 “Stoeger/IGA Reuna Single Barrel Shotgun  
 7 “Thompson/Center TCR ’87 Hunter Shotgun.”.

## 8 **TITLE VII—TECHNOLOGY AND** 9 **CRIMES**

### 10 **Subtitle A—Forensics Grants** 11 **Improvement Act of 2007**

#### 12 **SEC. 7101. SHORT TITLE.**

13 This subtitle may be cited as the “Forensics Grants  
 14 Improvement Act of 2007”.

#### 15 **SEC. 7102. AUTHORIZATION.**

16 Section 1001(a)(24) of the Omnibus Crime Control  
 17 and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(24)) is  
 18 amended by striking subparagraphs (A) through (I) and  
 19 inserting the following:

20 “(A) \$150,000,000 for fiscal year 2008;  
 21 “(B) \$150,000,000 for fiscal year 2009;  
 22 “(C) \$150,000,000 for fiscal year 2010;  
 23 “(D) \$150,000,000 for fiscal year 2011; and  
 24 “(E) \$150,000,000 for fiscal year 2012.”.

1 **SEC. 7103. ELIMINATION OF BACKLOG.**

2 (a) IN GENERAL.—Section 2804(e) of the Omnibus  
3 Crime Control and Safe Streets Act of 1968 (42 U.S.C.  
4 3797m(e)) is amended by striking paragraph (2) and in-  
5 serting the following:

6 “(2) has not been subjected to all appropriate  
7 forensic testing 90 days after the date such evidence  
8 was received.”.

9 (b) APPLICATIONS.—Section 2802(a) of the Omnibus  
10 Crime Control and Safe Streets Act of 1968 (42 U.S.C.  
11 3797k(a)) is amended by striking paragraph (1) and in-  
12 serting the following:

13 “(1) a certification that the State or unit of  
14 local government has developed a plan for forensic  
15 science laboratories under a program described in  
16 section 2804(a), and a specific description of the  
17 manner in which—

18 “(A) the grant will be used to carry out  
19 that plan; and

20 “(B) that State or unit of local govern-  
21 ment will, not later than 5 years after the date  
22 of receiving that grant, eliminate any backlog in  
23 the analysis of forensic science evidence, as de-  
24 scribed in section 2804(e);”.

1 **SEC. 7104. ALLOCATION.**

2 (a) IN GENERAL.—Section 2803(a) of the Omnibus  
3 Crime Control and Safe Streets Act of 1968 (42 U.S.C.  
4 3797l(a)) is amended by striking paragraph (1) and in-  
5 serting the following:

6 “(1) CRIME RATIO ALLOCATION.—Seventy-five  
7 percent of the amount made available to carry out  
8 this part in each fiscal year shall be for grants to  
9 States and units of local government, distributed  
10 by—

11 “(A) allocating an amount for each State  
12 that bears the same ratio to the 75 percent of  
13 the amount made available to carry out this  
14 part for that fiscal year as the annual number  
15 of murder, rape, sexual assault, and kidnapping  
16 crimes reported by that State to the Federal  
17 Bureau of Investigation bears to the number of  
18 such crimes reported by all States to the Fed-  
19 eral Bureau of Investigation for the most recent  
20 year for which such data is available; and

21 “(B) from the amount allocated to each  
22 State under subparagraph (A), the Attorney  
23 General shall distribute grant amounts, and es-  
24 tablish appropriate grant conditions under this  
25 section, under 1 or more formulas that are de-  
26 signed to distribute funds among eligible units

1 of State and local government in a manner that  
2 maximizes the effective use of forensic tech-  
3 nology to solve crimes and protect public safe-  
4 ty.”.

5 (b) CONFORMING AMENDMENT.—Section 2802 of the  
6 Omnibus Crime Control and Safe Streets Act of 1968 (42  
7 U.S.C. 3797k) is amended—

8 (1) in paragraph (3), by striking “and” at the  
9 end;

10 (2) in paragraph (4), by striking the period at  
11 the end and inserting “; and”; and

12 (3) by adding at the end the following:

13 “(5) such information as the Attorney General  
14 may reasonably determine necessary to allocate  
15 funds under section 2803(a)(1).”.

16 **SEC. 7105. USE OF FUNDS FOR OTHER FORENSIC SCIENCES.**

17 (a) FINDINGS.—Congress finds that—

18 (1) the Attorney General is authorized to make  
19 grants to “alleviate a backlog of cases with respect  
20 to a forensic science other than DNA analysis”  
21 under section 2(l) of the DNA Analysis Backlog  
22 Elimination Act of 2000 (42 U.S.C. 14135(l));

23 (2) numerous crime labs and medical examiners  
24 offices have received more funding under grants  
25 under that section than such labs and offices need



1 to perform DNA analysis authorized under that sec-  
2 tion; and

3 (3) the Attorney General has not made grants  
4 to alleviate the backlog of cases involving other fo-  
5 rensic sciences.

6 (b) PLAN.—

7 (1) IN GENERAL.—The Attorney General shall  
8 develop and implement a plan for making grants  
9 under section 2(l) of the DNA Analysis Backlog  
10 Elimination Act of 2000 (42 U.S.C. 14135(l)) for  
11 forensic science other than DNA analysis in a timely  
12 manner.

13 (2) REPORT.—Not later than 90 days after the  
14 date of enactment of this Act, the Attorney General  
15 shall submit to the Committee on the Judiciary of  
16 the Senate and the Committee on the Judiciary of  
17 the House of Representatives a report regarding the  
18 plan developed under paragraph (1).

19 **Subtitle B—Grant Program for**  
20 **Export of FBI DNA Software**

21 **SEC. 7201. PROGRAM.**

22 (a) IN GENERAL.—The Attorney General shall estab-  
23 lish a program (referred to in this subtitle as the “pro-  
24 gram”) to advocate the benefits of the Combined DNA  
25 Index System software systems (referred to in this subtitle

1 as the “CODIS”) and forensic DNA programs to foreign  
2 governments.

3 (b) DETAILS.—The program shall include—

4 (1) developing data and materials;

5 (2) visiting foreign governments;

6 (3) arranging for foreign officials to visit the  
7 United States;

8 (4) advocating for establishment of DNA pro-  
9 grams capable of sharing with the United States;  
10 and

11 (5) offering free services to foreign govern-  
12 ments, including assistance in policy development,  
13 program development, training of personnel, and  
14 CODIS software installation.

15 **SEC. 7202. AUTHORIZATION OF APPROPRIATIONS.**

16 There are authorized to be appropriated to carry out  
17 this subtitle \$4,000,000 for each of the fiscal years 2008  
18 through 2012.

19 **Subtitle C—Cyber Security Act of**  
20 **2007**

21 **SEC. 7301. SHORT TITLE.**

22 This subtitle may be cited as the “Cyber Security Act  
23 of 2007”.

1 **SEC. 7302. CONSPIRACY TO COMMIT CYBER CRIMES.**

2 Section 1030 of title 18, United States Code, is  
3 amended—

4 (1) in subsection (a)(5)(B), by inserting “or a  
5 conspiracy to commit an offense,” after “offense,”;  
6 and

7 (2) in subsection (b), by inserting “conspires to  
8 commit or” after “Whoever”.

9 **SEC. 7303. FIXING LOOPHOLES WITH CYBER EXTORTION.**

10 Section 1030(a)(7) of title 18, United States Code,  
11 is amended to read as follows:

12 “(7) with intent to extort from any person any  
13 money or other thing of value, transmits in inter-  
14 state or foreign commerce any communication con-  
15 taining any—

16 “(A) threat to cause damage to a protected  
17 computer;

18 “(B) threat to obtain information or im-  
19 pair the confidentiality of information obtained  
20 from a protected computer without authorized  
21 access or by exceeding authorized access; or

22 “(C) demand or request for money or  
23 other thing of value in relation to damage to a  
24 protected computer, where such damage was  
25 caused to facilitate the extortion;”.

1 **SEC. 7304. DAMAGE TO PROTECTED COMPUTERS.**

2 (a) IN GENERAL.—Section 1030(a)(5)(B) of title 18,  
3 United States Code, is amended—

4 (1) in clause (iv), by striking “or” at the end;

5 (2) in clause (v), by inserting “or” at the end;

6 and

7 (3) by adding at the end the following:

8 “(vi) damage affecting 10 or more  
9 protected computers during any 1-year pe-  
10 riod;”.

11 (b) TERRORISM.—Section 2332b(g)(5)(B)(i) of title  
12 18, United States Code, is amended by striking  
13 “1030(a)(5)(A)(ii) through (v) (relating to protection of  
14 computers)” and inserting “1030(a)(5)(A)(ii) through (vi)  
15 (relating to the protection of computers)”.

16 **SEC. 7305. RICO PREDICATES.**

17 Section 1961(1)(B) of title 18, United States Code,  
18 is amended by inserting “section 1030 (relating to fraud  
19 and related activity in connection with computers),” before  
20 “section 1084,”.

21 **SEC. 7306. USE OF FULL INTERSTATE AND FOREIGN COM-**  
22 **MERCE POWER FOR CRIMINAL PENALTIES.**

23 (a) ELIMINATION OF REQUIREMENT OF AN INTER-  
24 STATE OR FOREIGN COMMUNICATION FOR CERTAIN OF-  
25 FENSES INVOLVING PROTECTED COMPUTERS.—Section  
26 1030(a)(2)(C) of title 18, United States Code, is amended

1 by striking “if the conduct involved an interstate or for-  
 2 eign communication”.

3 (b) BROADENING OF SCOPE.—Section 1030(e)(2)(B)  
 4 of title 18, United States Code, is amended by inserting  
 5 “or affecting” after “which is used in”.

6 **SEC. 7307. CIVIL FORFEITURE FOR SECTION 1030 VIOLA-**  
 7 **TIONS.**

8 Section 1030 of title 18, United States Code, is  
 9 amended by adding at the end the following:

10 “(i) FORFEITURE.—

11 “(1) CIVIL.—

12 “(A) IN GENERAL.—The court, in impos-  
 13 ing sentence for an offense under this section,  
 14 shall, in addition to any other sentence imposed  
 15 and irrespective of any provision of State law,  
 16 order that the person forfeit to the United  
 17 States—

18 “(i) the person’s interest in any per-  
 19 sonal property that was used or intended  
 20 to be used to commit or to facilitate the  
 21 commission of such violation; and

22 “(ii) any property, real or personal,  
 23 constituting or derived from, any proceeds  
 24 the person obtained, directly or indirectly,  
 25 as a result of such violation.

1           “(B) APPLICABLE PROCEDURES.—Seizures  
2           and forfeitures under this paragraph shall be  
3           governed by the provisions of chapter 46 of title  
4           18, United States Code, relating to civil forfeit-  
5           ures, except that such duties as are imposed on  
6           the Secretary of the Treasury under the cus-  
7           toms laws described in section 981(d) of title  
8           18 shall be performed by such officers, agents  
9           and other persons as may be designated for  
10          that purpose by the Secretary of Homeland Se-  
11          curity.

12          “(2) CRIMINAL.—Pursuant to section 2461(c)  
13          of title 28, United States Code, the criminal for-  
14          feiture of property under this section, any seizure  
15          and disposition thereof, and any administrative or  
16          judicial proceeding in relation thereto, shall be gov-  
17          erned by the provisions of section 413 of the Com-  
18          prehensive Drug Abuse and Prevention Control Act  
19          of 1970 (21 U.S.C. 853), except subsection (d) of  
20          that section.

21          “(3) PROPERTY SUBJECT TO FORFEITURE.—  
22          Any real or personal property of a violator of this  
23          section or a person acting in concert with such a vio-  
24          lator that is used to commit or facilitate the commis-  
25          sion of a violation of this section, the gross proceeds

1 of such violation, and any property traceable to such  
2 property or proceeds, shall be subject to forfeiture.”.

3 **SEC. 7308. DIRECTIVE TO SENTENCING COMMISSION.**

4 (a) DIRECTIVE.—Pursuant to its authority under  
5 section 994(p) of title 28, United States Code, and in ac-  
6 cordance with this section, the United States Sentencing  
7 Commission shall review its guidelines and policy state-  
8 ments applicable to persons convicted of offenses under  
9 sections 1028, 1028A, 1030, 2511, and 2701 of title 18,  
10 United States Code and any other relevant provisions of  
11 law, in order to reflect the intent of Congress that such  
12 penalties be increased in comparison to those currently  
13 provided by such guidelines and policy statements.

14 (b) REQUIREMENTS.—In determining its guidelines  
15 and policy statements on the appropriate sentence for the  
16 crimes enumerated in subsection (a), the Commission shall  
17 consider the extent to which the guidelines and policy  
18 statements may or may not account for the following fac-  
19 tors in order to create an effective deterrent to computer  
20 crime and the theft or misuse of personally identifiable  
21 data:

22 (1) The level of sophistication and planning in-  
23 volved in such offense.

1           (2) Whether such offense was committed for  
2           the purpose of commercial advantage or private fi-  
3           nancial benefit.

4           (3) The potential and actual loss resulting from  
5           the offense including—

6                 (A) the value of information obtained from  
7                 a protected computer, regardless of whether the  
8                 owner was deprived of use of the information;  
9                 and

10                (B) where the information obtained con-  
11                stitutes a trade secret or other proprietary in-  
12                formation, the cost the victim incurred devel-  
13                oping or compiling the information.

14           (4) Whether the defendant acted with intent to  
15           cause either physical or property harm in commit-  
16           ting the offense.

17           (5) The extent to which the offense violated the  
18           privacy rights of individuals.

19           (6) The effect of the offense upon the oper-  
20           ations of an agency of the United States Govern-  
21           ment, or of a State or local government.

22           (7) Whether the offense involved a computer  
23           used by the United States Government, a State, or  
24           a local government in furtherance of national de-



1       fense, national security, or the administration of jus-  
2       tice.

3           (8) Whether the offense was intended to, or had  
4       the effect of significantly interfering with or dis-  
5       rupting a critical infrastructure.

6           (9) Whether the offense was intended to, or had  
7       the effect of creating a threat to public health or  
8       safety, causing injury to any person, or causing  
9       death.

10          (10) Whether the defendant purposefully in-  
11       volved a juvenile in the commission of the offense.

12          (11) Whether the defendant's intent to cause  
13       damage or intent to obtain personal information  
14       should be disaggregated and considered separately  
15       from the other factors set forth in USSG  
16       2B1.1(b)(14).

17          (12) Whether the term "victim," as used in  
18       USSG 2B1.1, should include individuals whose pri-  
19       vacy was violated as a result of the offense in addi-  
20       tion to individuals who suffered monetary harm as  
21       a result of the offense.

22          (13) Whether the defendant disclosed personal  
23       information obtained during the commission of the  
24       offense.

1 (c) ADDITIONAL REQUIREMENTS.—In carrying out  
2 this section, the Commission shall—

3 (1) assure reasonable consistency with other  
4 relevant directives and with other sentencing guide-  
5 lines;

6 (2) account for any additional aggravating or  
7 mitigating circumstances that might justify excep-  
8 tions to the generally applicable sentencing ranges;

9 (3) make any conforming changes to the sen-  
10 tencing guidelines; and

11 (4) assure that the guidelines adequately meet  
12 the purposes of sentencing as set forth in section  
13 3553(a)(2) of title 18, United States Code.

14 **SEC. 7309. ADDITIONAL FUNDING FOR RESOURCES TO IN-**  
15 **VESTIGATE AND PROSECUTE CRIMINAL AC-**  
16 **TIVITY INVOLVING COMPUTERS.**

17 (a) ADDITIONAL FUNDING FOR RESOURCES.—In ad-  
18 dition to amounts otherwise authorized for resources to  
19 investigate and prosecute criminal activity involving com-  
20 puters, there are authorized to be appropriated for each  
21 of the fiscal years 2008 through 2012—

22 (1) \$10,000,000 to the Director of the United  
23 States Secret Service and \$10,000,000 to the Direc-  
24 tor of the Federal Bureau of Investigation to hire  
25 and train law enforcement officers to investigate

1 crimes committed through the use of computers and  
2 other information technology, including through the  
3 use of the Internet, and assist in the prosecution of  
4 such crimes and procure advanced tools of forensic  
5 science to investigate and study such crimes; and

6 (2) \$10,000,000 to the Attorney General for  
7 the prosecution of such crimes.

8 (b) AVAILABILITY.—Any amounts appropriated  
9 under subsection (a) shall remain available until expended.

## 10 **Subtitle D—Protecting Electronic** 11 **Voting Act of 2007**

### 12 **SEC. 7401. SHORT TITLE.**

13 This subtitle may be cited as the “Protecting Elec-  
14 tronic Voting Act of 2007”.

### 15 **SEC. 7402. FINDINGS.**

16 Congress makes the following findings:

17 (1) The right to vote, and to have one’s voted  
18 accurately counted, is a fundamental Constitutional  
19 right.

20 (2) Voting precincts across the nation are in-  
21 creasingly allowing voters to cast their ballots elec-  
22 tronically utilizing stand alone or networked com-  
23 puters.

24 (3) The law should recognize and adequately  
25 deter the risk that an individual might gain unau-

1       thorized access to a computer owned or operated by  
 2       a candidate for public office for the purpose of pro-  
 3       viding information about his candidacy or a com-  
 4       puter involved in electronic voting and thereby ob-  
 5       tain, alter, or render unavailable information associ-  
 6       ated with an election.

7   **SEC. 7403. PROTECTING COMPUTERS USED BY CAN-**  
 8                   **DIDATES FOR FEDERAL OFFICE AND POLIT-**  
 9                   **ICAL PARTIES.**

10       (a) IN GENERAL.—Subparagraph (B) of section  
 11 1030(a)(5) of title 18, United States Code, as amended  
 12 by section 7304, is amended—

13               (1) by striking “or” at the end of clause (v);

14               (2) by inserting “or” at the end of clause (vi);

15       and

16               (3) by adding at the end the following new  
 17 clause:

18                       “(vii) damage affecting a computer  
 19                       system used by or for a candidate for Fed-  
 20                       eral, State, or local office (or a candidate  
 21                       for nomination to such an office), or by or  
 22                       for a national, State, district, or local com-  
 23                       mittee of a political party, in connection  
 24                       with the election of such candidate;”.

1 (b) INCREASED PENALTY.—Subparagraph (B) of  
2 section 1030(c)(2) of title 18, United States Code, is  
3 amended—

4 (1) by striking “or” at the end of subparagraph  
5 (ii);

6 (2) by striking “and” at the end of clause (iii)  
7 and inserting “or”; and

8 (3) by adding at the end the following clause:

9 “(iv) the computer involved was a  
10 computer used by or for a candidate for  
11 Federal, State, or local office (or a can-  
12 didate for nomination to such an office), or  
13 by or for a national, State, district, or local  
14 committee of a political party, in connec-  
15 tion with the election of such candidate;  
16 and”.

17 **SEC. 7404. PROTECTING COMPUTERS USED IN ADMIN-**  
18 **ISTERING ELECTIONS.**

19 (a) IN GENERAL.—

20 (1) IN GENERAL.—Paragraph (2) of section  
21 1030(e) of title 18, United States Code, is amend-  
22 ed—

23 (A) by striking “or” at the end of subpara-  
24 graph (A);

1 (B) by inserting “or” at the end of sub-  
 2 paragraph (B); and

3 (C) by adding at the end the following new  
 4 subparagraph:

5 “(C) used in the administration of an elec-  
 6 tion for Federal, State, or local office or an  
 7 election for nomination to such an office;”.

8 (2) CONFORMING AMENDMENTS.—Subpara-  
 9 graph (B) of section 1030(a)(5) of title 18, United  
 10 States Code, as amended by section 7403, is amend-  
 11 ed—

12 (A) by striking “or” at the end of clause  
 13 (vi);

14 (B) by inserting “or” at the end of clause  
 15 (vii); and

16 (C) by adding at the end the following new  
 17 clause:

18 “(vii) damage affecting a computer  
 19 system used in administering an election  
 20 for Federal, State or local office or an elec-  
 21 tion for nomination to such an office;”.

22 (b) INCREASED PENALTY.—Subparagraph (B) of  
 23 section 1030(c)(2) of title 18, United States Code, as  
 24 amended by section 7403, is amended—

1 (1) by striking “or” at the end of subparagraph  
 2 (iii);

3 (2) by striking “and” at the end of clause (iv)  
 4 and inserting “or”; and

5 (3) by adding at the end the following clause:

6 “(v) the computer involved was a com-  
 7 puter used in the administration of an  
 8 election for Federal, State, or local office  
 9 or an election for nomination to such an  
 10 office; and”.

## 11 **TITLE VIII—INTELLECTUAL** 12 **PROPERTY**

### 13 **SEC. 8001. SHORT TITLE.**

14 This title may be cited as the “Intellectual Property  
 15 Protection Act of 2007”.

### 16 **SEC. 8002. REGISTRATION IN CIVIL INFRINGEMENT AC-** 17 **TIONS.**

18 Section 411 of title 17, United States Code, is  
 19 amended—

20 (1) in the section heading, by inserting “**civil**”  
 21 before “**infringement**”;

22 (2) in subsection (a), in the second sentence, by  
 23 striking “an action” and inserting “a civil action”;  
 24 and

1           (3) in subsection (b), by striking “506 and sec-  
2       tions 509 and” and inserting “505 and section”.

3   **SEC. 8003. CIVIL REMEDIES FOR INFRINGEMENT.**

4       Section 503(a) of title 17, United States Code, is  
5   amended by striking the period and inserting “and of all  
6   records documenting the manufacture, sale, or receipt of  
7   any items involved in such violation. The court shall enter  
8   an appropriate protective order with respect to discovery  
9   by the applicant of any records that have been seized. The  
10   protective order shall provide for appropriate procedures  
11   to assure that confidential information contained in such  
12   records is not improperly disclosed to the applicant.”.

13   **SEC. 8004. CRIMINAL INFRINGEMENT.**

14       (a) IN GENERAL.—Section 506(a)(1) of title 17,  
15   United States Code, is amended—

16           (1) by inserting “or attempts to infringe” be-  
17       fore “a copyright”;

18           (2) by striking “, if the infringement was com-  
19       mitted” after “title 18”;

20           (3) by striking subparagraph (A) and inserting  
21       the following:

22                   “(A) if the infringement was committed or  
23       attempted for purposes of commercial advan-  
24       tage or private financial gain;”.



1           (4) in subparagraph (B), by striking “by the re-  
 2           production or distribution” and inserting “if the in-  
 3           fringement was committed or attempted by the re-  
 4           production or distribution”; and

5           (5) in subparagraph (C), by inserting “if the in-  
 6           fringement was committed” before “by the distribu-  
 7           tion of”.

8           (b) FORFEITURE AND DESTRUCTION; RESTITU-  
 9           TION.—Section 506(b) of title 17, United States Code, is  
 10          amended to read as follows:

11          “(b) FORFEITURE AND DESTRUCTION; RESTITU-  
 12          TION.—

13               “(1) FORFEITURE.—The following property is  
 14          subject to forfeiture to the United States Govern-  
 15          ment:

16                   “(A) Any copies or phonorecords manufac-  
 17                   tured, reproduced, distributed, sold, or other-  
 18                   wise used, intended for use, or possessed with  
 19                   intent to use in violation of subsection (a).

20                   “(B) Any property constituted or derived  
 21                   from any proceeds obtained, directly or indi-  
 22                   rectly, as a result of a violation of subsection  
 23                   (a).

24                   “(C) Any property used, or intended to be  
 25                   used, in any manner or part, to commit or fa-

1 cilitate the commission of a violation of sub-  
2 section (a), including any plates, molds, mat-  
3 rices, masters, tapes, film negatives, or other  
4 articles by means of which the copies or  
5 phonorecords described in subparagraph (A)  
6 may be reproduced, and any electronic, mechan-  
7 ical, or other devices for manufacturing, repro-  
8 ducing, or assembling such copies or  
9 phonorecords.

10 “(2) FORFEITURE PROCEEDINGS.—The provi-  
11 sions of chapter 46 of title 18 relating to civil for-  
12 feitures shall extend to any seizure or civil forfeiture  
13 under this section. At the conclusion of the for-  
14 feiture proceedings, the court shall order that any  
15 forfeited infringing copies or phonorecords, as well  
16 as any plates, molds, matrices, masters, tapes, and  
17 film negatives by means of which such unauthorized  
18 copies or phonorecords may be made, be destroyed  
19 or otherwise disposed of according to law.

20 “(3) OTHER PUNISHMENT.—

21 “(A) IN GENERAL.—The court, in impos-  
22 ing sentence on a person convicted of an offense  
23 under this section, shall order, in addition to  
24 any other sentence imposed, that the person  
25 forfeit to the United States Government—

1           “(i) any infringing copies or  
2           phonorecords manufactured, reproduced,  
3           distributed, sold, or otherwise used, in-  
4           tended for use, or possessed with intent to  
5           use in violation of subsection (a);

6           “(ii) any property constituted or de-  
7           rived from any proceeds obtained, directly  
8           or indirectly, as the result of the offense;  
9           and

10          “(iii) any property used, or intended  
11          to be used, in any manner or part, to com-  
12          mit or facilitate the commission of a viola-  
13          tion of subsection (a), including any plates,  
14          molds, matrices, masters, tapes, film nega-  
15          tives, or other articles by means of which  
16          the copies or phonorecords described in  
17          subparagraph (A) may be reproduced, and  
18          any electronic, mechanical, or other devices  
19          for manufacturing, reproducing, or assem-  
20          bling such copies or phonorecords.

21          “(B) PROCEDURES.—The forfeiture of  
22          property under subparagraph (A), including any  
23          seizure and disposition of the property and any  
24          related judicial or administrative proceeding,  
25          shall be governed by the procedures set forth in

1 section 413 of the Comprehensive Drug Abuse  
2 Prevention and Control Act of 1970 (21 U.S.C.  
3 853), other than subsection (d) of that section.  
4 At the conclusion of the forfeiture proceedings,  
5 the court shall order that any forfeited infring-  
6 ing copies or phonorecords, as well as any  
7 plates, molds, matrices, masters, tapes, and  
8 film negatives by means of which such infring-  
9 ing copies or phonorecords may be made, be de-  
10 stroyed or otherwise disposed of according to  
11 law.

12 “(4) RESTITUTION.—When a person is con-  
13 victed of an offense under this section, the court,  
14 pursuant to sections 3556, 3663A, and 3664 of title  
15 18, shall order the person to pay restitution to the  
16 copyright owner and any other victim of the offense  
17 as an offense against property referred to in section  
18 3663A(c)(I)(A)(ii) of such title.”.

19 (c) REPEAL.—

20 (1) IN GENERAL.—Section 509 of title 17,  
21 United States Code, is repealed.

22 (2) TECHNICAL AND CONFORMING AMEND-  
23 MENT.—The table of sections for chapter 5 of title  
24 17, United States Code, is amended by striking the  
25 item relating to section 509.

1 **SEC. 8005. IMPORTATION AND EXPORTATION.**

2 (a) IN GENERAL.—The chapter heading for chapter  
3 6 of title 17, United States Code, is amended to read as  
4 follows:

5 **“CHAPTER 6—MANUFACTURING REQUIRE-**  
6 **MENTS, IMPORTATION, AND EXPOR-**  
7 **TATION”.**

8 (b) IMPORTATION WITHOUT AUTHORITY OF COPY-  
9 RIGHT.—Section 602(a) of title 17, United States Code,  
10 is amended—

11 (1) by striking “Importation into” and insert-  
12 ing the following:

13 “(a) IMPORTATION WITHOUT AUTHORITY OF COPY-  
14 RIGHT.—

15 “(1) IN GENERAL.—Importation into”;

16 (2) by striking “This subsection does not apply  
17 to—”;

18 (3) by inserting after “section 501.” the fol-  
19 lowing:

20 “(2) EXPORTATION WITHOUT AUTHORITY OF  
21 COPYRIGHT.—Importation into the United States or  
22 exportation from the United States, without the au-  
23 thority of the owner of copyright under this title, of  
24 copies or phonorecords, the making of which either  
25 constituted an infringement of copyright or would  
26 have constituted an infringement of copyright if this

1 title had been applicable, is an infringement of the  
 2 exclusive right to distribute copies or phonorecords  
 3 under section 106, actionable under sections 501  
 4 and 506.

5 “(3) EXCEPTIONS.—This subsection does not  
 6 apply to—”;

7 (4) by redesignating paragraphs (1), (2), and  
 8 (3) as subparagraphs (A), (B), and (C), respectively;

9 (5) in paragraph (3)(A), as redesignated, by in-  
 10 serting “or exportation” before “of copies or”;

11 (6) in paragraph (3)(B), as redesignated—

12 (A) by inserting “or exportation” before  
 13 the first comma;

14 (B) by inserting “or exporter” before “and  
 15 not for”; and

16 (C) by inserting “or departing from the  
 17 United States” before “with respect to copies”.

18 (c) TECHNICAL AND CONFORMING AMENDMENT.—  
 19 Section 602 of title 17, United States Code, is amended  
 20 in the section heading by inserting “**or exportation**”  
 21 before “**of copies or phonorecords**”.

22 **SEC. 8006. DIGITAL MILLENNIUM COPYRIGHT ACT.**

23 Section 1204 of title 17, United States Code, is  
 24 amended by inserting at the end the following:

1       “(d) FORFEITURE AND DESTRUCTION; RESTITU-  
2   TION.—

3               “(1) FORFEITURE.—The following property is  
4       subject to forfeiture to the United States Govern-  
5       ment:

6               “(A) Any property constituted or derived  
7               from any proceeds obtained, directly or indi-  
8               rectly, as a result of a violation of subsection  
9               (a).

10              “(B) Any property used, or intended to be  
11              used, in any manner or part, to commit or fa-  
12              cilitate the commission of a violation of sub-  
13              section (a).

14              “(2) FORFEITURE PROCEEDINGS.—The provi-  
15              sions of chapter 46 of title 18 relating to civil for-  
16              feitures shall extend to any seizure or civil forfeiture  
17              under this section. At the conclusion of the for-  
18              feiture proceedings, the court shall order that any  
19              property forfeited pursuant to paragraph (1)(B) be  
20              destroyed or otherwise disposed of according to law.

21              “(3) OTHER PUNISHMENT.—

22              “(A) IN GENERAL.—The court, in impos-  
23              ing sentence on a person convicted of an offense  
24              under this section, shall order, in addition to

1 any other sentence imposed, that the person  
2 forfeit to the United States Government—

3 “(i) any property constituting or de-  
4 rived from any proceeds obtained, directly  
5 or indirectly, as the result of the offense;  
6 and

7 “(ii) any property used, or intended to  
8 be used, in any manner or part, to commit  
9 or facilitate the commission of the offense.

10 “(B) PROCEDURES.—The forfeiture of  
11 property under subparagraph (A), including any  
12 seizure and disposition of the property and any  
13 related judicial or administrative proceeding,  
14 shall be governed by the procedures set forth in  
15 section 413 of the Comprehensive Drug Abuse  
16 Prevention and Control Act of 1970 (21 U.S.C.  
17 853), other than subsection (d) of that section.  
18 At the conclusion of the forfeiture proceedings,  
19 the court shall order that any implement, de-  
20 vice, or equipment used in any manner or part  
21 to commit or facilitate the commission of a vio-  
22 lation of subsection (a), be destroyed or other-  
23 wise disposed of according to law.

24 “(4) RESTITUTION.—When a person is con-  
25 victed of an offense under this section, the court,



1       pursuant to sections 3556, 3663A, and 3664 of title  
 2       18, shall order the person to pay restitution to any  
 3       copyright owner whose rights under this title were  
 4       violated by the offense, as an offense against prop-  
 5       erty referred to in section 3663A(c)(1)(A)(ii) of such  
 6       title.”.

7   **SEC. 8007. FORFEITURE UNDER ECONOMIC ESPIONAGE**  
 8                   **ACT.**

9       Section 1834 of title 18, United States Code, is  
 10   amended—

11           (1) by redesignating subsections (a) and (b) as  
 12       subsection (c) and (d), respectively;

13           (2) in subsection (d), as redesignated, by strik-  
 14       ing “this section” and inserting “subsection (c)”;

15           (3) by inserting before subsection (c) the fol-  
 16       lowing:

17       “(a) **FORFEITURE.**—The following property is sub-  
 18       ject to forfeiture to the United States Government:

19           “(1) Any property that consists of, or incor-  
 20       porates, any trade secret that is the subject of a vio-  
 21       lation of this chapter.

22           “(2) Any property constituted or derived from  
 23       any proceeds obtained, directly or indirectly, as a re-  
 24       sult of a violation of this chapter.

1           “(3) Any property used, or intended to be used,  
2           in any manner or part, to commit or to facilitate the  
3           commission of a violation of this chapter.

4           “(b) FORFEITURE PROCEEDINGS.—The provisions of  
5           chapter 46 of this title relating to civil forfeitures shall  
6           extend to any seizure or civil forfeiture under subsection  
7           (a).”; and

8           (4) by inserting at the end the following:

9           “(e) RESTITUTION.—When a person is convicted of  
10          an offense under this section, the court, pursuant to sec-  
11          tions 3556, 3663A, and 3664, shall order the person to  
12          pay restitution to the owner of the trade secret and any  
13          other victim of the offense as an offense against property  
14          referred to in section 3663A(c)(I)(A)(ii).”.

15       **SEC. 8008. TRAFFICKING IN COUNTERFEIT LABELS.**

16          Section 2318(d) of title 18, United States Code, is  
17          amended to read as follows:

18          “(d) FORFEITURE AND DESTRUCTION; RESTITU-  
19          TION.—

20               “(1) FORFEITURE.—The following property is  
21          subject to forfeiture to the United States Govern-  
22          ment:

23                       “(A) Any counterfeit documentation or  
24                       packaging, and any counterfeit label or illicit  
25                       label and any article to which a counterfeit

1 label or illicit label has been affixed, or which  
2 a counterfeit label or illicit label encloses or ac-  
3 companies, or which was intended to have had  
4 such label affixed, enclosing, or accompanying.

5 “(B) Any property constituted or derived  
6 from any proceeds obtained, directly or indi-  
7 rectly, as a result of a violation of subsection  
8 (a).

9 “(C) Any property used, or intended to be  
10 used, in any manner or part, to commit or fa-  
11 cilitate the commission of a violation of sub-  
12 section (a).

13 “(2) FORFEITURE PROCEEDINGS.—The provi-  
14 sions of chapter 46 of this title relating to civil for-  
15 feitures shall extend to any seizure or civil forfeiture  
16 under paragraph (1). At the conclusion of the for-  
17 feiture proceedings, the court shall order that any  
18 forfeited counterfeit labels or illicit labels and any  
19 article to which a counterfeit label or illicit label has  
20 been affixed, or which a counterfeit label or illicit  
21 label encloses or accompanies, or which was intended  
22 to have had such label affixed, enclosing, or accom-  
23 panying, be destroyed or otherwise disposed of ac-  
24 cording to law.

25 “(3) OTHER PUNISHMENT.—

1           “(A) IN GENERAL.—The court, in impos-  
2           ing sentence on a person convicted of an offense  
3           under this section, shall order, in addition to  
4           any other sentence imposed, that the person  
5           forfeit to the United States Government—

6                   “(i) any counterfeit documentation or  
7                   packaging, and any counterfeit label or il-  
8                   licit label and any article to which a coun-  
9                   terfeit label or illicit label has been affixed,  
10                  or which a counterfeit label or illicit label  
11                  encloses or accompanies, or which was in-  
12                  tended to have had such label affixed, en-  
13                  closing, or accompanying;

14                  “(ii) any property constituted or de-  
15                  rived from any proceeds obtained, directly  
16                  or indirectly, as the result of the offense;  
17                  and

18                  “(iii) any property used, or intended  
19                  to be used, in any manner or part, to com-  
20                  mit or facilitate the commission of the of-  
21                  fense.

22           “(B) PROCEDURES.—The forfeiture of  
23           property under subparagraph (A), including any  
24           seizure and disposition of the property and any  
25           related judicial or administrative proceeding,

1 shall be governed by the procedures set forth in  
2 section 413 of the Comprehensive Drug Abuse  
3 Prevention and Control Act of 1970 (21 U.S.C.  
4 853), other than subsection (d) of that section.

5 At the conclusion of the forfeiture proceedings,  
6 the court shall order that any counterfeit label  
7 or illicit label and any article to which a coun-  
8 terfeit label or illicit label has been affixed, or  
9 which a counterfeit label or illicit label encloses  
10 or accompanies, or which was intended to have  
11 had such label affixed, enclosing, or accom-  
12 panying, be destroyed or otherwise disposed of  
13 according to law.

14 “(4) RESTITUTION.—When a person is con-  
15 victed of an offense under this section, the court,  
16 pursuant to sections 3556, 3663A, and 3664, shall  
17 order the person to pay restitution to the owner of  
18 the marks or copyrighted works involved in the of-  
19 fense and any other victim of the offense as an of-  
20 fense against property referred to in section  
21 3663(A)(c)(1)(A)(ii).”.

22 **SEC. 8009. CRIMINAL INFRINGEMENT OF A COPYRIGHT.**

23 Section 2319 of title 18, United States Code, is  
24 amended—

1 (1) in subsection (b)(1), by inserting “or was  
2 intended to consist of” before “the reproduction”;

3 (2) in subsection (b)(2)—

4 (A) by inserting “felony” before “offense”;  
5 and

6 (B) by striking “paragraph (1)” and in-  
7 serting “subsection (a)”;

8 (3) in subsection (c)(1), by inserting “or was  
9 intended to consist of” before “the reproduction”;

10 (4) in subsection (c)(2)—

11 (A) by inserting “felony” before “offense”;  
12 and

13 (B) by striking “paragraph (1)” and in-  
14 serting “subsection (a)”;

15 (5) in subsection (d)(3)—

16 (A) by inserting “felony” before “offense”;  
17 and

18 (B) inserting “under subsection (a)” be-  
19 fore the semicolon; and

20 (6) in subsection (d)(4), by inserting “felony”  
21 before “offense”.

22 **SEC. 8010. UNAUTHORIZED FIXATION AND TRAFFICKING.**

23 (a) IN GENERAL.—Section 2319A of title 18, United  
24 States Code, is amended—

25 (1) by striking subsection (c); and

1           (2) by redesignating subsections (d), (e), and  
2           (f) as subsections (c), (d), and (e), respectively.

3           (b) FORFEITURE AND DESTRUCTION.—Section  
4 2319A(b) of title 18, United States Code, is amended to  
5 read as follows:

6           “(b) FORFEITURE AND DESTRUCTION; RESTITU-  
7 TION.—

8           “(1) FORFEITURE.—The following property is  
9           subject to forfeiture to the United States Govern-  
10          ment:

11               “(A) Any unauthorized copies or  
12               phonorecords of a live musical performance, as  
13               well as any plates, molds, matrices, masters,  
14               tapes, and film negatives by means of which  
15               such copies or phonorecords may be made.

16               “(B) Any property constituted or derived  
17               from any proceeds obtained, directly or indi-  
18               rectly, as a result of a violation of subsection  
19               (a).

20               “(C) Any property used or intended to be  
21               used, in any manner or part, to commit or to  
22               facilitate the commission of a violation of sub-  
23               section (a).

24           “(2) FORFEITURE PROCEEDINGS.—The provi-  
25          sions of chapter 46 of this title relating to civil for-

1       feitures shall extend to any seizure or civil forfeiture  
2       under paragraph (1). At the conclusion of the for-  
3       feiture proceedings, the court shall order that any  
4       forfeited unauthorized copies or phonorecords of live  
5       musical performances, as well as any plates, molds,  
6       matrices, masters, tapes, and film negatives by  
7       means of which such unauthorized copies or  
8       phonorecords may be made, be destroyed or other-  
9       wise disposed of according to law.

10       “(3) OTHER PUNISHMENT.—

11               “(A) IN GENERAL.—The court, in impos-  
12       ing sentence on a person convicted of an offense  
13       under this section, shall order, in addition to  
14       any other sentence imposed, that the person  
15       forfeit to the United States Government—

16               “(i) all unauthorized copies or  
17       phonorecords of live musical performances,  
18       as well as any plates, molds, matrices,  
19       masters, tapes, and film negatives by  
20       means of which such unauthorized copies  
21       or phonorecords may be made;

22               “(ii) any property constituting or de-  
23       rived from any proceeds obtained, directly  
24       or indirectly, as the result of the offense;  
25       and



1           “(iii) any property used, or intended  
2           to be used, in any manner or part, to com-  
3           mit or facilitate the commission of the of-  
4           fense.

5           “(B) PROCEDURES.—The forfeiture of  
6           property under subparagraph (A), including any  
7           seizure and disposition of the property and any  
8           related judicial or administrative proceeding,  
9           shall be governed by the procedures set forth in  
10          section 413 of the Comprehensive Drug Abuse  
11          Prevention and Control Act of 1970 (21 U.S.C.  
12          853), other than subsection (d) of that section.  
13          At the conclusion of the forfeiture proceedings,  
14          the court shall order that any forfeited unau-  
15          thorized copies or phonorecords of live musical  
16          performances, as well as any plates, molds,  
17          matrices, masters, tapes, and film negatives by  
18          means of which such unauthorized copies of  
19          phonorecords may be made, be destroyed or  
20          otherwise disposed of according to law.

21          “(4) NOTIFICATION OF IMPORTATION.—The  
22          Secretary of Homeland Security shall issue regula-  
23          tions by which any performer may, upon payment of  
24          a specified fee, be entitled to notification by United  
25          States Customs and Border Protection of the impor-

1       tation of copies or phonorecords that appear to con-  
 2       sist of unauthorized fixations of the sounds or  
 3       sounds and images of a live musical performance.

4           “(5) RESTITUTION.—When a person is con-  
 5       victed of an offense under this chapter, the court,  
 6       pursuant to sections 3556, 3663A, and 3664, shall  
 7       order the person to pay restitution to the performer  
 8       or performers, and any other victim of the offense  
 9       as an offense against property referred to in section  
 10      3663A(c)(1)(A)(ii).”.

11      (c) APPLICABILITY.—Section 2319A(e) of title 18,  
 12      United States Code, as redesignated under subsection (a),  
 13      is amended by inserting before the period at the end the  
 14      following: “, except that the criminal forfeiture provisions  
 15      under subsection (b)(3) shall apply only where the under-  
 16      lying act or acts occur on or after the effective date of  
 17      that subparagraph”.

18      **SEC. 8011. UNAUTHORIZED RECORDING OF MOTION PIC-**  
 19                                      **TURES.**

20      Section 2319B(b) of title 18, United States Code, is  
 21      amended to read as follows:

22      “(b) FORFEITURE AND DESTRUCTION; RESTITU-  
 23      TION.—

1           “(1) FORFEITURE.—The following property is  
2       subject to forfeiture to the United States Govern-  
3       ment:

4           “(A) Any unauthorized copies of a motion  
5       picture or other audiovisual work protected  
6       under title 17, or part thereof.

7           “(B) Any property constituted or derived  
8       from any proceeds obtained, directly or indi-  
9       rectly, as a result of a violation of subsection  
10      (a).

11          “(C) Any property used, or intended to be  
12      used, in any manner or part, to commit or to  
13      facilitate the commission of a violation of sub-  
14      section (a).

15          “(2) FORFEITURE PROCEEDINGS.—The provi-  
16      sions of chapter 46 of this title relating to civil for-  
17      feitures shall extend to any seizure or civil forfeiture  
18      under this section. At the conclusion of the for-  
19      feiture proceedings, the court shall order that any  
20      forfeited unauthorized copies or phonorecords of a  
21      motion picture or other audiovisual work, or part  
22      thereof, as well as any plates, molds, matrices, mas-  
23      ters, tapes, and film negatives by means of which  
24      such unauthorized copies or phonorecords may be

1       made, be destroyed or otherwise disposed of accord-  
2       ing to law.

3           “(3) OTHER PUNISHMENT.—

4           “(A) IN GENERAL.—The court, in impos-  
5       ing sentence on a person convicted of an offense  
6       under this section, shall order, in addition to  
7       any other sentence imposed, that the person  
8       forfeit to the United States Government—

9           “(i) any unauthorized copies of mo-  
10       tion pictures or other audiovisual works  
11       protected under title 17, or parts thereof;

12          “(ii) any property constituting or de-  
13       rived from any proceeds obtained, directly  
14       or indirectly, as a result of the offense; and

15          “(iii) any property used, or intended  
16       to be used, in any manner or part, to com-  
17       mit or facilitate the commission of the of-  
18       fense.

19          “(B) PROCEDURES.—The forfeiture of  
20       property under subparagraph (A), including any  
21       seizure and disposition of the property and any  
22       related judicial or administrative proceeding,  
23       shall be governed by the procedures set forth in  
24       section 413 of the Comprehensive Drug Abuse  
25       Prevention and Control Act of 1970 (21 U.S.C.

1 853), other than subsection (d) of that section.

2 At the conclusion of the forfeiture proceedings,  
 3 the court shall order that any forfeited unau-  
 4 thorized copies or phonorecords of a motion pic-  
 5 ture or other audiovisual work, or part thereof,  
 6 as well as any plates, molds, matrices, masters,  
 7 tapes, and film negatives by means of which  
 8 such unauthorized copies or phonorecords may  
 9 be made, be destroyed or otherwise disposed of  
 10 according to law.

11 “(4) RESTITUTION.—When a person is con-  
 12 victed of an offense under this chapter, the court,  
 13 pursuant to sections 3556, 3663A, and 3664, shall  
 14 order the person to pay restitution to the owner of  
 15 the copyright in the motion picture or other audio-  
 16 visual work and any other victim of the offense as  
 17 an offense against property referred to in section  
 18 3663A(c)(1)(A)(ii).”.

19 **SEC. 8012. TRAFFICKING IN COUNTERFEIT GOODS OR**  
 20 **SERVICES.**

21 Section 2320 of title 18, United States Code, is  
 22 amended—

23 (1) in subsection (a), by striking “(a) Whoever”  
 24 and inserting the following:

25 “(a) OFFENSE.—

1 “(1) IN GENERAL.—Whoever”;

2 (2) by adding at the end of subsection (a) the  
3 following:

4 “(2) SERIOUS BODILY HARM OR DEATH.—

5 “(A) BODILY INJURY.—If the offender  
6 knowingly or recklessly causes or attempts to  
7 cause serious bodily injury from conduct in vio-  
8 lation of paragraph (1), the penalty shall be a  
9 fine under this title or imprisonment for not  
10 more than 20 years, or both.

11 “(B) DEATH.—If the offender knowingly  
12 or recklessly causes or attempts to cause death  
13 from conduct in violation of paragraph (1), the  
14 penalty shall be a fine under this title or im-  
15 prisonment for any term of years or for life, or  
16 both.”; and

17 (3) in subsection (b)(1)—

18 (A) by redesignating subparagraph (B) as  
19 subparagraph (C); and

20 (B) by inserting after subparagraph (A)  
21 the following:

22 “(B) any property constituted or derived  
23 from any proceeds obtained, directly or indi-  
24 rectly, as a result of a violation of subsection  
25 (a); and”.

1 **SEC. 8013. INTERCEPTION OF WIRE, ORAL, OR ELECTRONIC**  
2 **COMMUNICATIONS.**

3 Section 2516(1)(c) of title 18, United States Code,  
4 is amended by striking “sections 2312, 2313, 2314, and  
5 2315 (interstate transportation of stolen property,” and  
6 inserting “sections 2312, 2313, 2314, and 2315 (relating  
7 to interstate transportation of stolen property), section  
8 2319 (relating to criminal infringement of a copyright),  
9 section 2320 (relating to trafficking in counterfeit goods  
10 or services),”.

11 **TITLE IX—CRIME VICTIMS**  
12 **Subtitle A—Crime Victims With**  
13 **Disabilities Act of 2007**

14 **SEC. 9101. SHORT TITLE.**

15 This subtitle may be cited as the “Crime Victims with  
16 Disabilities Act of 2007”.

17 **SEC. 9102. FINDINGS.**

18 Congress finds the following:

19 (1) Adults with disabilities experience violence  
20 or abuse at least twice as often as people without  
21 disabilities, and adults with developmental disabili-  
22 ties are at risk of being physically or sexually as-  
23 sailed at rates four to ten times greater than other  
24 adults.

25 (2) Individuals with disabilities suffer from ad-  
26 ditional “victimization” within the justice system,

1 due to lack of physical, programmatic, and commu-  
2 nications accommodations needed for equal access.

3 (3) Women with disabilities are more likely to  
4 be victimized, to experience more severe and pro-  
5 longed violence, and to suffer more serious and  
6 chronic effects from that violence, than women with-  
7 out such disabilities.

8 (4) Sixty-eight to 83 percent of women with de-  
9 velopmental disabilities will be sexually assaulted in  
10 their lifetime.

11 (5) An estimated 5,000,000 crimes are com-  
12 mitted against individuals with developmental dis-  
13 abilities annually.

14 (6) Over 70 percent of crimes committed  
15 against individuals with developmental disabilities  
16 are not reported.

17 (7) Studies in the United States, Canada, Aus-  
18 tralia, and Great Britain consistently show that vic-  
19 tims with developmental disabilities suffer repeated  
20 victimization because so few of the crimes against  
21 them are reported.

22 (8) The National Crime Victims Survey con-  
23 ducted annually by the Bureau of Justice Statistics  
24 of the Department of Justice, does not specifically  
25 collect data relating to crimes against individuals



1 with developmental disabilities, nor do they use dis-  
2 ability as a demographic variable as they use other  
3 important demographic variables, such as gender,  
4 age, and racial and ethnic membership.

5 **SEC. 9103. PURPOSE.**

6 (a) IN GENERAL.—The purpose of this subtitle is to  
7 increase the awareness, investigation, prosecution, and  
8 prevention of crimes against individuals with a disability,  
9 including developmental disabilities, and improve services  
10 to those who are victimized, by facilitating collaboration  
11 among the criminal justice system and a range of agencies  
12 and other organizations that provide services to individ-  
13 uals with disabilities.

14 (b) NEED FOR COLLABORATION.—Collaboration  
15 among the criminal justice system and agencies and other  
16 organizations that provide services to individuals with dis-  
17 abilities is needed to—

- 18 (1) protect individuals with disabilities by en-  
19 suring that crimes are reported, and that reported  
20 crimes are actively investigated by both law enforce-  
21 ment agencies and agencies and other organizations  
22 that provide services to individuals with disabilities;
- 23 (2) provide prosecutors and victim assistance  
24 organizations with adequate training to ensure that

1 crimes against individuals with disabilities are ap-  
 2 propriately and effectively addressed in court;

3 (3) identify and ensure that appropriate reason-  
 4 able accommodations are provided to individuals  
 5 with disabilities in a safe and conducive environ-  
 6 ment, allowing crimes to be reported accurately to  
 7 law enforcement agencies; and

8 (4) promote communication among criminal  
 9 justice agencies, and agencies and other organiza-  
 10 tions that provide services to individuals with dis-  
 11 abilities, including Victim Assistance Organizations,  
 12 to ensure that the needs of crime victims with dis-  
 13 abilities are met.

14 **SEC. 9104. DEPARTMENT OF JUSTICE CRIME VICTIMS WITH**  
 15 **DISABILITIES COLLABORATION PROGRAM.**

16 The Omnibus Crime Control and Safe Streets Act of  
 17 1968 (42 U.S.C. 3711 et seq.) is amended by adding at  
 18 the end the following:

19 **“PART JJ—GRANTS TO RESPOND TO CRIMES**  
 20 **AGAINST INDIVIDUALS WITH DISABILITIES**  
 21 **“SEC. 3001. CRIME VICTIMS WITH DISABILITIES COLLABO-**  
 22 **RATION PROGRAM GRANTS.**

23 “(a) DEFINITIONS.—In this section:

24 “(1) APPLICANT.—The term ‘applicant’ means  
 25 a State, unit of local government, Indian tribe, or

1 tribal organization that applies for a grant under  
2 this section.

3 “(2) COLLABORATION PROGRAM.—The term  
4 ‘collaboration program’ means a program to ensure  
5 coordination between or among a criminal justice  
6 agency, an adult protective services agency, a victim  
7 assistance organization, and an agency or other or-  
8 ganization that provides services to individuals with  
9 disabilities, including but not limited to individuals  
10 with developmental disabilities, to address crimes  
11 committed against individuals with disabilities and  
12 to provide services to individuals with disabilities  
13 who are victims of crimes.

14 “(3) CRIMINAL JUSTICE AGENCY.—The term  
15 ‘criminal justice agency’ means an agency of a  
16 State, unit of local government, Indian tribe, or trib-  
17 al organization that is responsible for detection, in-  
18 vestigation, arrest, enforcement, adjudication, or in-  
19 carceration relating to the violation of the criminal  
20 laws of that State, unit of local government, Indian  
21 tribe, or tribal organization, or an agency contracted  
22 to provide such services.

23 “(4) ADULT PROTECTIVE SERVICES AGENCY.—  
24 The term ‘adult protective services agency’ means an

1 agency that provides adult protective services to  
2 adults with disabilities, including—

3 “(A) receiving reports of abuse, neglect, or  
4 exploitation;

5 “(B) investigating the reports described in  
6 subparagraph (A);

7 “(C) case planning, monitoring, evaluation,  
8 and other casework and services; and

9 “(D) providing, arranging for, or facili-  
10 tating the provision of medical, social service,  
11 economic, legal, housing, law enforcement, or  
12 other protective, emergency, or support services  
13 for adults with disabilities.

14 “(5) DAY PROGRAM.—The term ‘day program’  
15 means a government or privately funded program  
16 that provides care, supervision, social opportunities,  
17 or jobs to individuals with disabilities.

18 “(6) IMPLEMENTATION GRANT.—The term ‘im-  
19 plementation grant’ means a grant under subsection  
20 (e).

21 “(7) INDIVIDUALS WITH DISABILITIES.—The  
22 term ‘individuals with disabilities’ means individ-  
23 uals—

24 “(A) 18 years of age or older; and

1           “(B) who have a developmental, cognitive,  
 2           physical, or other disability that results in sub-  
 3           stantial functional limitations in 1 or more of  
 4           the following areas of major life activity:

5                   “(i) Self-care.

6                   “(ii) Receptive and expressive lan-  
 7                   guage.

8                   “(iii) Learning.

9                   “(iv) Mobility.

10                  “(v) Self-direction.

11                  “(vi) Capacity for independent living.

12                  “(vii) Economic self-sufficiency.

13                  “(viii) Cognitive functioning.

14                  “(ix) Emotional adjustment.

15                  “(8) PLANNING GRANT.—The term ‘planning  
 16                  grant’ means a grant under subsection (f).

17                  “(9) SECRETARY.—The term ‘Secretary’ means  
 18                  the Secretary of Health and Human Services.

19                  “(10) UNIT OF LOCAL GOVERNMENT.—The  
 20                  term ‘unit of local government’ means any city,  
 21                  county, township, town, borough, parish, village, or  
 22                  other general purpose political subdivision of a  
 23                  State.

24                  “(b) AUTHORIZATION.—In consultation with the Sec-  
 25                  retary, the Attorney General may make grants to appli-

1 cants to prepare a comprehensive plan for or to implement  
2 a collaboration program that provides for—

3 “(1) the investigation and remediation of in-  
4 stances of abuse of or crimes committed against in-  
5 dividuals with disabilities; or

6 “(2) the provision of services to individuals with  
7 disabilities who are the victims of a crime or abuse.

8 “(c) USE OF FUNDS.—A grant under this section  
9 shall be used for a collaborative program that—

10 “(1) receives reports of abuse of individuals  
11 with disabilities or crimes committed against such  
12 individuals;

13 “(2) investigates and evaluates reports of abuse  
14 of or crimes committed against individuals with dis-  
15 abilities;

16 “(3) visits the homes or other locations of  
17 abuse, and, if applicable, the day programs of indi-  
18 viduals with disabilities who have been victims of  
19 abuse or a crime for purposes of, among other  
20 things, assessing the scene of the abuse and evalu-  
21 ating the condition and needs of the victim;

22 “(4) identifies the individuals responsible for  
23 the abuse of or crimes committed against individuals  
24 with disabilities;

1 “(5) remedies issues identified during an inves-  
2 tigation described in paragraph (2);

3 “(6) prosecutes the perpetrator, where appro-  
4 priate, of any crime identified during an investiga-  
5 tion described in paragraph (2);

6 “(7) provides services to and enforces statutory  
7 rights of individuals with disabilities who are the vic-  
8 tims of a crime; and

9 “(8) develops curricula and provides inter-  
10 disciplinary training for prosecutors, criminal justice  
11 agencies, protective service agencies, victims assist-  
12 ance agencies, educators, community based providers  
13 and health, mental health, and allied health profes-  
14 sionals in the area of disabilities, including develop-  
15 mental disabilities.

16 “(d) APPLICATIONS.—

17 “(1) IN GENERAL.—To receive a planning grant  
18 or an implementation grant, an applicant shall sub-  
19 mit an application to the Attorney General at such  
20 time, in such manner, and containing such informa-  
21 tion as the Attorney General, in consultation with  
22 the Secretary, may reasonably require, in addition to  
23 the information required by subsection (e)(1) or  
24 (f)(1), respectively.

1           “(2) COMBINED PLANNING AND IMPLEMENTA-  
2           TION GRANT APPLICATION.—

3                   “(A) IN GENERAL.—The Attorney General,  
4           in consultation with the Secretary, shall develop  
5           a procedure allowing an applicant to submit a  
6           single application requesting both a planning  
7           grant and an implementation grant.

8                   “(B) CONDITIONAL GRANT.—The award of  
9           an implementation grant to an applicant sub-  
10          mitting an application under subparagraph (A)  
11          shall be conditioned on successful completion of  
12          the activities funded under the planning grant,  
13          if applicable.

14          “(e) PLANNING GRANTS.—

15                  “(1) APPLICATIONS.—An application for a  
16          planning grant shall include, at a minimum—

17                          “(A) a budget;

18                          “(B) a budget justification;

19                          “(C) a description of the outcome meas-  
20          ures that will be used to measure the effective-  
21          ness of the program;

22                          “(D) a schedule for completing the activi-  
23          ties proposed in the application;



1           “(E) a description of the personnel nec-  
2           essary to complete activities proposed in the ap-  
3           plication; and

4           “(F) provide assurances that program ac-  
5           tivities and locations are and will be in compli-  
6           ance with section 504 of the Rehabilitation Act  
7           of 1973 throughout the grant period.

8           “(2) PERIOD OF GRANT.—A planning grant  
9           shall be made for a period of 1 year, beginning on  
10          the first day of the month in which the planning  
11          grant is made.

12          “(3) AMOUNT.—The amount of planning grant  
13          shall not exceed \$50,000, except that the Attorney  
14          General may, for good cause, approve a grant in a  
15          higher amount.

16          “(4) LIMIT ON NUMBER.—The Attorney Gen-  
17          eral, in consultation with the Secretary, shall not  
18          make more than 1 such planning grant to any State,  
19          unit of local government, Indian tribe, or tribal orga-  
20          nization.

21          “(f) IMPLEMENTATION GRANTS.—

22                 “(1) IMPLEMENTATION GRANT APPLICA-  
23                 TIONS.—An application for an implementation grant  
24                 shall include the following:

1           “(A) COLLABORATION.—An application for  
2           an implementation grant shall—

3                   “(i) identify not fewer than 1 criminal  
4                   justice enforcement agency or adult protec-  
5                   tive services organization and not fewer  
6                   than 1 agency, crime victim assistance pro-  
7                   gram, or other organization that provides  
8                   services to individuals with disabilities that  
9                   will participate in the collaborative pro-  
10                  gram; and

11                  “(ii) describe the responsibilities of  
12                  each participating agency or organization,  
13                  including how each agency or organization  
14                  will use grant funds to facilitate improved  
15                  responses to reports of abuse and crimes  
16                  committed against individuals with disabil-  
17                  ities.

18           “(B) GUIDELINES.—An application for an  
19           implementation grant shall describe the guide-  
20           lines that will be developed for personnel of a  
21           criminal justice agency, adult protective services  
22           organization, crime victim assistance program,  
23           and agencies or other organizations responsible  
24           for services provided to individuals with disabil-

ities to carry out the goals of the collaborative program.

“(C) FINANCIAL.—An application for an implementation grant shall—

“(i) explain why the applicant is unable to fund the collaboration program adequately without Federal funds;

“(ii) specify how the Federal funds provided will be used to supplement, and not supplant, the funding that would otherwise be available from the State, unit of local government, Indian tribe, or tribal organization; and

“(iii) outline plans for obtaining necessary support and continuing the proposed collaboration program following the conclusion of the grant under this section.

“(D) OUTCOMES.—An application for an implementation grant shall—

“(i) identify the methodology and outcome measures, as required by the Attorney General, in consultation with the Secretary, for evaluating the effectiveness of the collaboration program, which may include—

1           “(I) the number and type of  
2 agencies participating in the collabo-  
3 ration;

4           “(II) any trends in the number  
5 and type of cases referred for multi-  
6 disciplinary case review;

7           “(III) any trends in the timeli-  
8 ness of law enforcement review of re-  
9 ported cases of violence against indi-  
10 viduals with a disability; and

11           “(IV) the number of persons re-  
12 ceiving training by type of agency;

13           “(ii) describe the mechanisms of any  
14 existing system to capture data necessary  
15 to evaluate the effectiveness of the collabo-  
16 ration program, consistent with the meth-  
17 odology and outcome measures described  
18 in clause (i) and including, where possible,  
19 data regarding—

20           “(I) the number of cases referred  
21 by the adult protective services agen-  
22 cy, or other relevant agency, to law  
23 enforcement for review;

1 “(II) the number of charges filed  
2 and percentage of cases with charges  
3 filed as a result of such referrals;

4 “(III) the period of time between  
5 reports of violence against individuals  
6 with disabilities and law enforcement  
7 review; and

8 “(IV) the number of cases result-  
9 ing in criminal prosecution, and the  
10 result of each such prosecution; and

11 “(iii) include an agreement from any  
12 participating or affected agency or organi-  
13 zation to provide the data described in  
14 clause (ii).

15 “(E) FORM OF DATA.—The Attorney Gen-  
16 eral, in consultation with the Secretary, shall  
17 promulgate and supply a common electronic re-  
18 porting form or other standardized mechanism  
19 for reporting of data required under this sec-  
20 tion.

21 “(F) COLLABORATION SET ASIDE.—Not  
22 less than 5 percent and not more than 10 per-  
23 cent of the funds provided under an implemen-  
24 tation grant shall be set aside to procure tech-  
25 nical assistance from any recognized State

1 model program or from a recognized national  
2 organization, as determined by the Attorney  
3 General (in consultation with the Secretary), in-  
4 cluding the National District Attorneys Associa-  
5 tion and the National Adult Protective Services  
6 Association.

7 “(G) OTHER PROGRAMS.—An applicant for  
8 an implementation grant shall describe the rela-  
9 tionship of the collaboration program to any  
10 other program of a criminal justice agency or  
11 other agencies or organizations providing serv-  
12 ices to individuals with disabilities of the State,  
13 unit of local government, Indian tribe, or tribal  
14 organization applying for an implementation  
15 grant.

16 “(2) PERIOD OF GRANT.—

17 “(A) IN GENERAL.—An implementation  
18 grant shall be made for a period of 2 years, be-  
19 ginning on the first day of the month in which  
20 the implementation grant is made.

21 “(B) RENEWAL.—An implementation  
22 grant may be renewed for 1 additional period of  
23 2 years, if the applicant submits to the Attor-  
24 ney General and the Secretary a detailed expla-  
25 nation of why additional funds are necessary.

1           “(3) AMOUNT.—An implementation grant shall  
2 not exceed \$300,000.

3           “(g) EVALUATION OF PROGRAM EFFICACY.—

4           “(1) ESTABLISHMENT.—The Attorney General,  
5 in consultation with the Secretary, shall establish a  
6 national center to evaluate the overall effectiveness  
7 of the collaboration programs funded under this sec-  
8 tion.

9           “(2) RESPONSIBILITIES.—The national center  
10 established under paragraph (1) shall—

11           “(A) analyze information and data sup-  
12 plied by grantees under this section; and

13           “(B) submit an annual report to the Attor-  
14 ney General and the Secretary that evaluates  
15 the number and rate of change of reporting, in-  
16 vestigation, and prosecution of charges of a  
17 crime or abuse against individuals with disabil-  
18 ities.

19           “(3) AUTHORIZATION.—The Attorney General  
20 may use not more than \$500,000 of amounts made  
21 available under subsection (h) to carry out this sub-  
22 section.

23           “(h) AUTHORIZATION OF APPROPRIATIONS.—There  
24 are authorized to be appropriated to the Department of  
25 Justice to carry out this section—

1 “(1) \$10,000,000 for fiscal year 2008; and

2 “(2) such sums as are necessary for each of fis-  
3 cal years 2009 through 2014.”.

4 **SEC. 9105. RESEARCH GRANT AND REPORT.**

5 (a) IN GENERAL.—The purpose of this section is to  
6 provide for research to assist the Attorney General in col-  
7 lecting valid, reliable national data relating to crimes  
8 against individuals with developmental and related disabil-  
9 ities for the National Crime Victims Survey conducted by  
10 the Bureau of Justice Statistics of the Department of Jus-  
11 tice as required by the Crime Victims with Disabilities  
12 Awareness Act.

13 (b) NATIONAL INTERDISCIPLINARY ADVISORY COUN-  
14 CIL.—

15 (1) IN GENERAL.—Not later than 90 days after  
16 the date of enactment of this Act, the Secretary of  
17 Health and Human Services shall establish a na-  
18 tional interdisciplinary advisory council (referred to  
19 in this section as the “advisory council”), that in-  
20 cludes individuals with disabilities, which shall pro-  
21 vide input into the methodologies used to collect  
22 valid, reliable national data on crime victims with  
23 developmental and related disabilities, participate in  
24 reviewing the data collected through the research  
25 grant program, and assist in writing the final report.



1           (2) RECOMMENDED METHODOLOGY.—Not later  
2           than 6 months after the establishment of the advi-  
3           sory council, the advisory council shall provide to the  
4           Secretary of Health and Human Services its rec-  
5           ommended methodology for collecting incidence data  
6           on violence against people with developmental and  
7           related disabilities.

8           (c) RESEARCH GRANT PROGRAM.—Not later than 12  
9           months after the date of the enactment of this Act, the  
10          Secretary of Health and Human Services shall—

11                (1) review the methodology developed by the ad-  
12                visory council related to collecting incidence data on  
13                violence against people with developmental and re-  
14                lated disabilities; and

15                (2) based on such review, shall award grants in  
16                accordance with this section to eligible recipients, to  
17                collect valid, reliable national data on crime victims  
18                with developmental and related disabilities that can  
19                be validly compared to data from the National Crime  
20                Victims Survey.

21           (d) REPORT.—Not later than 12 months after the  
22           Secretary of Health and Human Services awards the re-  
23           search grants under subsection (c), the advisory council  
24           shall review the data eligible recipients of the grants col-  
25           lected and write a report to be presented to the Secretary

1 of Health and Human Services, the Attorney General, and  
2 the Bureau of Justice Statistics.

3 (e) DEFINITIONS.—

4 (1) ELIGIBLE RECIPIENT.—The term “eligible  
5 recipient” means—

6 (A) a State agency;

7 (B) a private, nonprofit organization;

8 (C) a University Center for Excellence in  
9 Developmental Disabilities; or

10 (D) any public entity that has a dem-  
11 onstrated ability to—

12 (i) collaborate with criminal justice,  
13 child welfare, and other agencies and orga-  
14 nizations that provide services to individ-  
15 uals with disabilities, including victim as-  
16 sistance and violence prevention organiza-  
17 tions, to ensure that incidence data can be  
18 aggregated to accurately show the inci-  
19 dence of abuse of individuals with disabil-  
20 ities nationally; and

21 (ii) conduct research and collect data  
22 to measure the extent of the problem of  
23 crimes against individuals with develop-  
24 mental and related disabilities, including—

1 (I) understanding the nature and  
2 extent of crimes against individuals  
3 with developmental and related dis-  
4 abilities, including domestic violence  
5 and all types of abuse;

6 (II) describing the manner in  
7 which the justice system responds to  
8 crimes against individuals with devel-  
9 opmental and related disabilities; and

10 (III) identifying programs, poli-  
11 cies, or laws that hold promises for  
12 making the justice system more re-  
13 sponsive to crimes against individuals  
14 with developmental and related dis-  
15 abilities.

16 (2) DEVELOPMENTAL DISABILITIES.—The term  
17 “developmental disabilities” has the meaning given  
18 that term in section 102(8) of the Developmental  
19 Disabilities Assistance and Bill of Rights Act of  
20 2000 (42 U.S.C. 15002(8)).

21 (3) RELATED DISABILITIES.—The term “re-  
22 lated disabilities” means autism spectrum disorders,  
23 cerebral palsy, spina bifida, epilepsy, traumatic brain  
24 injury, or other lifelong disabilities that are acquired  
25 prior to the age of 21.

1 (f) AUTHORIZATION OF APPROPRIATIONS.—There  
 2 are authorized to be appropriated to carry out this section  
 3 \$1,000,000 for each of fiscal years 2008 through 2011.

4 **Subtitle B—Restitution for Victims**  
 5 **of Crime Act of 2007**

6 **SEC. 9201. SHORT TITLE.**

7 This subtitle may be cited as the “Restitution for Vic-  
 8 tims of Crime Act of 2007”.

9 **PART I—COLLECTION OF RESTITUTION**

10 **SEC. 9211. SHORT TITLE.**

11 This part may be cited as the “Collection of Restitu-  
 12 tion Improvement Act of 2007”.

13 **SEC. 9212. PROCEDURE FOR ISSUANCE AND ENFORCEMENT**  
 14 **OF RESTITUTION.**

15 Section 3664(f) of title 18, United States Code, is  
 16 amended by striking paragraphs (2) through (4) and in-  
 17 serting the following:

18 “(C)(i) Each restitution order shall—

19 “(I) contain information sufficient to identify  
 20 each victim to whom restitution is owed;

21 “(II) require that a copy of the court order be  
 22 sent to each such victim; and

23 “(III) inform each such victim of the obligation  
 24 to notify the appropriate entities of any change in  
 25 address.

1       “(ii) It shall be the responsibility of each victim to  
2       whom restitution is owed to notify the Attorney General,  
3       or the appropriate entity of the court, by means of a form  
4       to be provided by the Attorney General or the court, of  
5       any change in the victim’s mailing address while restitu-  
6       tion is still owed to the victim.

7       “(iii) The confidentiality of any information relating  
8       to a victim under this subparagraph shall be maintained.

9       “(2) The court shall order that the restitution im-  
10      posed is due in full immediately upon imposition.

11      “(3) The court shall direct the defendant—

12           “(A) to make a good-faith effort to satisfy the  
13      restitution order in the shortest time in which full  
14      restitution can be reasonably made, and to refrain  
15      from taking any action that conceals or dissipates  
16      the defendant’s assets or income;

17           “(B) to notify the court of any change in resi-  
18      dence; and

19           “(C) to notify the United States Attorney for  
20      the district in which the defendant was sentenced of  
21      any change in residence, and of any material change  
22      in economic circumstances that might affect the de-  
23      fendant’s ability to pay restitution.

24      “(4) Compliance with all payment directions imposed  
25      under paragraphs (6) and (7) shall be prima facie evidence

1 of a good faith effort under paragraph (3)(A), unless it  
2 is shown that the defendant has concealed or dissipated  
3 assets.

4 “(5) Notwithstanding any other provision of law, for  
5 the purpose of enforcing a restitution order, a United  
6 States Attorney may receive, without the need for a court  
7 order, any financial information concerning the defendant  
8 obtained by the grand jury that indicted the defendant for  
9 the crime for which restitution has been awarded, the  
10 United States Probation Office, or the Bureau of Prisons.  
11 A victim may also provide financial information con-  
12 cerning the defendant to the United States Attorney.

13 “(6)(A) At sentencing, or at any time prior to the  
14 termination of a restitution obligation under section 3613  
15 of this title, the court may—

16 “(i) impose special payment directions upon the  
17 defendant or modify such directions; or

18 “(ii) direct the defendant to make a single,  
19 lump sum payment, partial payments at specified in-  
20 tervals, in-kind payments, or a combination of pay-  
21 ments at specified intervals and in-kind payments.

22 “(B) The period of time over which scheduled pay-  
23 ments are established for purposes of this paragraph shall  
24 be the shortest time in which full payment reasonably can  
25 be made.

1       “(C) In-kind payments may be in the form of the re-  
2 turn of property, replacement of property, or, if the victim  
3 agrees, services rendered to the victim or a person or orga-  
4 nization other than the victim.

5       “(D) In ordering restitution, the court may direct the  
6 defendant to—

7           “(i) repatriate any property that constitutes  
8 proceeds of the offense of conviction, or property  
9 traceable to such proceeds; and

10          “(ii) surrender to the United States, or to the  
11 victim named in the restitution order, any interest of  
12 the defendant in any nonexempt asset.

13       “(E) The court may enter a restraining order or in-  
14 junction, require the execution of a satisfactory perform-  
15 ance bond, or take any other action to preserve the avail-  
16 ability of property for restitution.

17       “(7)(A) In determining whether to impose or modify  
18 specific payment directions, the court may consider—

19           “(i) the need to provide restitution to the vic-  
20 tims of the offense;

21           “(ii) the financial ability of the defendant;

22           “(iii) the economic circumstances of the defend-  
23 ant, including the financial resources and other as-  
24 sets of the defendant and whether any of those as-  
25 sets are jointly controlled;

1           “(iv) the projected earnings and other income  
2           of the defendant;

3           “(v) any financial obligations of the defendant,  
4           including obligations to dependents;

5           “(vi) whether the defendant has concealed or  
6           dissipated assets or income; and

7           “(vii) any other appropriate circumstances.

8           “(B) Any substantial resources from any source, in-  
9           cluding inheritance, settlement, or other judgment, shall  
10          be applied to any outstanding restitution obligation.

11          “(8)(A) If the court finds that the economic cir-  
12          cumstances of the defendant do not allow the payment of  
13          any substantial amount as restitution, the court may di-  
14          rect the defendant to make nominal payments of not less  
15          than \$100 per year toward the restitution obligation.

16          “(B) Any money received from the defendant under  
17          subparagraph (A) shall be disbursed so that any out-  
18          standing assessment imposed under section 3013 is paid  
19          first in full.

20          “(9) Court-imposed special payment directions shall  
21          not limit the ability of the Attorney General to maintain  
22          an Inmate Financial Responsibility Program that encour-  
23          ages sentenced inmates to meet their legitimate financial  
24          obligations.



1       “(10)(A) The ability of the Attorney General to en-  
2 force restitution obligations ordered under paragraph (2)  
3 shall not be limited by appeal, or the possibility of a cor-  
4 rection, modification, amendment, adjustment, or reim-  
5 position of a sentence, unless the court expressly so orders  
6 for good cause shown and stated on the record.

7       “(B) Absent exceptional circumstances, as deter-  
8 mined by the court, an order limiting the enforcement of  
9 restitution obligations shall—

10           “(i) require the defendant to deposit, in the  
11 registry of the district court, any amount of the res-  
12 titution that is due;

13           “(ii) require the defendant to post a bond or  
14 other security to ensure payment of the restitution  
15 that is due; or

16           “(iii) impose additional restraints upon the de-  
17 fendant to prevent the defendant from transferring  
18 or dissipating assets.

19       “(C) No order described in subparagraph (B) shall  
20 restrain the ability of the United States to continue its  
21 investigation of the defendant’s financial circumstances,  
22 conduct discovery, record a lien, or seek any injunction  
23 or other relief from the court.”.

1 **SEC. 9213. IMPOSITION OF CRIMINAL FINES AND PAYMENT**

2 **DIRECTIONS.**

3 Subsection 3572(d) of title 18, United States Code,  
4 is amended to read as follows:

5 “(d) PAYMENT.—

6 “(1) IN GENERAL.—The court shall order that  
7 any fine or assessment imposed be due in full imme-  
8 diately upon imposition.

9 “(2) EFFORTS TO MAKE PAYMENT.—The court  
10 shall—

11 “(A) direct the defendant to make a good-  
12 faith effort to satisfy the fine and assessment in  
13 the shortest time in which full payment can be  
14 reasonably made, and to refrain from taking  
15 any action that conceals or dissipates the de-  
16 fendant’s assets or income;

17 “(B) direct the defendant to notify the  
18 court of any change in residence; and

19 “(C) order the defendant to notify the  
20 United States Attorney for the district in which  
21 the defendant was sentenced of any change in  
22 residence, and of any material change in eco-  
23 nomic circumstances that might affect the de-  
24 fendant’s ability to pay restitution.

25 “(3) GOOD FAITH.—Compliance with all pay-  
26 ment directions imposed by paragraphs (5) and (6)

1 shall be prima facie evidence of a good faith effort  
2 under paragraph (2)(A), unless it is shown that the  
3 defendant has concealed or dissipated assets;

4 “(4) ACCESS TO INFORMATION.—Notwith-  
5 standing any other provision of law, for the purpose  
6 of enforcing a fine or assessment, a United States  
7 Attorney may receive, without the need for a court  
8 order, any financial information concerning the de-  
9 fendant obtained by a grand jury, the United States  
10 Probation Office, or the Bureau of Prisons.

11 “(5) PAYMENT SCHEDULE.—

12 “(A) IN GENERAL.—At sentencing, or at  
13 any time prior to the termination of a restitu-  
14 tion obligation under section 3613 of this title,  
15 the court may—

16 “(i) impose special payment directions  
17 upon the defendant or modify such direc-  
18 tions; or

19 “(ii) direct the defendant to make a  
20 single, lump sum payment, or partial pay-  
21 ments at specified intervals.

22 “(B) PERIOD OF TIME.—The period of  
23 time over which scheduled payments are estab-  
24 lished for purposes of this paragraph shall be

1 the shortest time in which full payment can rea-  
2 sonably be made.

3 “(C) REPATRIATION.—The court may di-  
4 rect the defendant to repatriate any property  
5 that constitutes proceeds of the offense of con-  
6 viction, or property traceable to such proceeds.

7 “(D) SURRENDER.—In ordering restitu-  
8 tion, the court may direct the defendant to sur-  
9 render to the United States any interest of the  
10 defendant in any nonexempt asset.

11 “(E) THIRD PARTIES.—If the court directs  
12 the defendant to repatriate or surrender any  
13 property in which it appears that any person  
14 other than the defendant may have a legal in-  
15 terest—

16 “(i) the court shall take such action  
17 as is necessary to protect such third party  
18 interest; and

19 “(ii) may direct the United States to  
20 initiate any ancillary proceeding to deter-  
21 mine such third party interests in accord-  
22 ance with the procedures specified in sec-  
23 tion 413(n) of the Controlled Substances  
24 Act (21 U.S.C. 853(n)).

1           “(F) EXCLUSIVITY OF REMEDY.—Except  
2           as provided in this section, no person may com-  
3           mence an action against the United States con-  
4           cerning the validity of the party’s alleged inter-  
5           est in the property subject to reparation or sur-  
6           render.

7           “(G) PRESERVATION OF PROPERTY.—The  
8           court may enter a restraining order or injunc-  
9           tion, require the execution of a satisfactory per-  
10          formance bond, or take any other action to pre-  
11          serve the availability of property for payment of  
12          the fine or assessment.

13          “(6) CONSIDERATIONS.—In determining wheth-  
14          er to impose or modify special payment directions,  
15          the court may consider—

16               “(A) the need to satisfy the fine or assess-  
17               ment;

18               “(B) the financial ability of the defendant;

19               “(C) the economic circumstances of the de-  
20               fendant, including the financial resources and  
21               other assets of the defendant, and whether any  
22               of those assets are jointly controlled;

23               “(D) the projected earnings and other in-  
24               come of the defendant;

1           “(E) any financial obligations of the de-  
2           fendant, including obligations to dependents;

3           “(F) whether the defendant has concealed  
4           or dissipated assets or income; and

5           “(G) any other appropriate circumstances.

6           “(7) USE OF RESOURCES.—Any substantial re-  
7           sources from any source, including inheritance, set-  
8           tlement, or other judgment shall be applied to any  
9           fine or assessment still owed.

10          “(8) NOMINAL PAYMENTS.—If the court finds  
11          that the economic circumstances of the defendant do  
12          not allow the immediate payment of any substantial  
13          amount of the fine or assessment imposed, the court  
14          may direct the defendant to make nominal payments  
15          of not less than \$100 per year toward the fine or as-  
16          sessment imposed.

17          “(9) INMATE FINANCIAL RESPONSIBILITY PRO-  
18          GRAM.—Court-imposed special payment directions  
19          shall not limit the ability of the Attorney General to  
20          maintain an Inmate Financial Responsibility Pro-  
21          gram that encourages sentenced inmates to meet  
22          their legitimate financial obligations.

23          “(10) ENFORCEMENT.—

24                 “(A) IN GENERAL.—The ability of the At-  
25                 torney General to enforce the fines and assess-

1           ment ordered under paragraph (1) shall not be  
2           limited by an appeal, or the possibility of a cor-  
3           rection, modification, amendment, adjustment,  
4           or reimposition of a sentence, unless the court  
5           expressly so orders, for good cause shown and  
6           stated on the record.

7           “(B) EXCEPTIONS.—Absent exceptional  
8           circumstances, as determined by the court, an  
9           order limiting enforcement of a fine or assess-  
10          ment shall—

11           “(i) require the defendant to deposit,  
12           in the registry of the district court, any  
13           amount of the fine or assessment that is  
14           due;

15           “(ii) require the defendant to post a  
16           bond or other security to ensure payment  
17           of the fine or assessment that is due; or

18           “(iii) impose additional restraints  
19           upon the defendant to prevent the defend-  
20           ant from transferring or dissipating assets.

21           “(C) OTHER ACTIVITIES.—No order de-  
22           scribed in subparagraph (B) shall restrain the  
23           ability of the United States to continue its in-  
24           vestigation of the defendant’s financial cir-  
25           cumstances, conduct discovery, record a lien, or

1           seek any injunction or other relief from the  
2           court.

3           “(11) SPECIAL ASSESSMENTS.—The require-  
4           ments of this subsection shall apply to the imposi-  
5           tion and enforcement of any assessment imposed  
6           under section 3013 of this title.”.

7   **SEC. 9214. COLLECTION OF UNPAID FINES OR RESTITU-**  
8                           **TION.**

9           Section 3612(b) of title 18, United States Code, is  
10          amended to read as follows:

11          “(b) INFORMATION TO BE INCLUDED IN JUDGMENT;  
12          JUDGMENT TO BE TRANSMITTED TO THE ATTORNEY  
13          GENERAL.—

14               “(1) IN GENERAL.—A judgment or order im-  
15               posing, modifying, or remitting a fine or restitution  
16               order of more than \$100 shall include—

17                       “(A) the name, social security account  
18                       number, mailing address, and residence address  
19                       of the defendant;

20                       “(B) the docket number of the case;

21                       “(C) the original amount of the fine or res-  
22                       titution order and the amount that is due and  
23                       unpaid;



1           “(D) payment orders and directions im-  
 2           posed under section 3572(d) and section  
 3           3664(f) of this title; and

4           “(E) a description of any modification or  
 5           remission.

6           “(2) TRANSMITTAL OF COPIES.—Not later than  
 7           10 days after entry of the judgment or order de-  
 8           scribed in paragraph (1), the court shall transmit a  
 9           certified copy of the judgment or order to the Attor-  
 10          ney General.”.

11 **SEC. 9215. ATTORNEY’S FEES FOR VICTIMS.**

12          (a) ORDER OF RESTITUTION.—Section 3663(b) of  
 13 title 18, United States Code, is amended—

14           (1) in paragraph (1)—

15                (A) in subparagraph (A), by striking “or”  
 16                at the end;

17                (B) by redesignating subparagraph (B) as  
 18                subparagraph (C);

19                (C) by inserting after subparagraph (A)  
 20                the following:

21                   “(B) reimburse the victim for attorneys’  
 22                   fees reasonably incurred in an attempt to re-  
 23                   trieve damaged, lost, or destroyed property  
 24                   (which shall not include payment of salaries of  
 25                   Government attorneys); or”; and

1 (D) in subparagraph (C), as so redesign-  
 2 nated by this subsection, by inserting “or (B)”  
 3 after “subparagraph (A)”;

4 (2) in paragraph (4)—

5 (A) by inserting “(including attorneys’ fees  
 6 necessarily and reasonably incurred for rep-  
 7 resentation of the victim, which shall not in-  
 8 clude payment of salaries of Government attor-  
 9 neys)” after “other expenses related to partici-  
 10 pation in the investigation or prosecution of the  
 11 offense”; and

12 (B) by striking “and” at the end;

13 (3) in paragraph (5), by striking the period and  
 14 inserting “; and”; and

15 (4) by adding at the end the following:

16 “(6) in any case, reimburse the victim for rea-  
 17 sonably incurred attorneys’ fees that are necessary  
 18 and foreseeable results of the defendant’s crime  
 19 (which shall not include payment of salaries of Gov-  
 20 ernment attorneys).”.

21 (b) MANDATORY RESTITUTION TO VICTIMS OF CER-  
 22 TAIN CRIMES.—Section 3663A(b) of title 18, United  
 23 States Code, is amended—

24 (1) in paragraph (1)—

1 (A) in subparagraph (A), by striking “or”  
2 at the end;

3 (B) by redesignating subparagraph (B) as  
4 subparagraph (C);

5 (C) by inserting after subparagraph (A)  
6 the following:

7 “(B) reimburse the victim for attorneys’  
8 fees reasonably incurred in an attempt to re-  
9 trieve damaged, lost, or destroyed property  
10 (which shall not include payment of salaries of  
11 Government attorneys); or”; and

12 (D) in subparagraph (C), as so redesign-  
13 nated by this subsection, by inserting “or (B)”  
14 after “subparagraph (A)”;  
15 (2) in paragraph (3), by striking “and” at the  
16 end;

17 (3) in paragraph (4)—

18 (A) by inserting “(including attorneys’ fees  
19 necessarily and reasonably incurred for rep-  
20 resentation of the victim, which shall not in-  
21 clude payment of salaries of Government attor-  
22 neys)” after “other expenses related to partici-  
23 pation in the investigation or prosecution of the  
24 offense”; and

1 (B) by striking the period and inserting “;  
2 and”; and

3 (4) by adding at the end the following:

4 “(5) in any case, reimburse the victim for rea-  
5 sonably incurred attorneys’ fees that are necessary  
6 and foreseeable results of the defendant’s crime  
7 (which shall not include payment of salaries of Gov-  
8 ernment attorneys).”.

9 **PART II—PRESERVATION OF ASSETS FOR**  
10 **RESTITUTION**

11 **SEC. 9221. SHORT TITLE.**

12 This part may be cited as the “Preservation of Assets  
13 for Restitution Act of 2007”.

14 **SEC. 9222. AMENDMENTS TO THE MANDATORY VICTIMS**  
15 **RESTITUTION ACT.**

16 (a) IN GENERAL.—Chapter 232 of title 18, United  
17 States Code, is amended by inserting after section 3664  
18 the following:

19 **“§ 3664A. Preservation of assets for restitution**

20 **“(a) PROTECTIVE ORDERS TO PRESERVE ASSETS.—**

21 **“(1) IN GENERAL.—**Upon the Government’s ex  
22 parte application and a finding of probable cause to  
23 believe that a defendant, if convicted, will be ordered  
24 to satisfy an order of restitution for an offense pun-

1       ishable by imprisonment for more than 1 year, the  
2       court—

3               “(A) shall—

4                       “(i) enter a restraining order or in-  
5                       junction;

6                       “(ii) require the execution of a satis-  
7                       factory performance bond; or

8                       “(iii) take any other action necessary  
9                       to preserve the availability of any property  
10                      traceable to the commission of the offense  
11                      charged; and

12               “(B) if it determines that it is in the inter-  
13               ests of justice to do so, shall issue any order  
14               necessary to preserve any nonexempt asset (as  
15               defined in section 3613) of the defendant that  
16               may be used to satisfy such restitution order.

17               “(2) PROCEDURES.—Applications and orders  
18               issued under paragraph (1) shall be governed by the  
19               procedures under section 413(e) of the Controlled  
20               Substances Act (21 U.S.C. 853(e)) and in this sec-  
21               tion.

22               “(3) MONETARY INSTRUMENTS.—If the prop-  
23               erty in question is a monetary instrument (as de-  
24               fined in section 1956(c)(5)) or funds in electronic  
25               form, the protective order issued under paragraph

1 (1) may take the form of a warrant authorizing the  
2 Government to seize the property and to deposit it  
3 into an interest-bearing account in the Registry of  
4 the Court in the district in which the warrant was  
5 issued, or into another such account maintained by  
6 a substitute property custodian, as the court may di-  
7 rect.

8 “(4) POST-INDICTMENT.—A post-indictment  
9 protective order entered under paragraph (1) shall  
10 remain in effect through the conclusion of the crimi-  
11 nal case, including sentencing and any post-sen-  
12 tencing proceedings, until seizure or other disposi-  
13 tion of the subject property, unless modified by the  
14 court upon a motion by the Government or under  
15 subsection (b) or (c).

16 “(b) DEFENDANT’S RIGHT TO A HEARING.—

17 “(1) IN GENERAL.—In the case of a  
18 preindictment protective order entered under sub-  
19 section (a)(1), the defendant’s right to a post-re-  
20 straint hearing shall be governed by paragraphs  
21 (1)(B) and (2) of section 413(e) of the Controlled  
22 Substances Act (21 U.S.C. 853(e)).

23 “(2) POST-INDICTMENT.—In the case of a post-  
24 indictment protective order entered under subsection  
25 (a)(1), the defendant shall have a right to a post-re-

1       strait hearing regarding the continuation or modi-  
2       fication of the order if the defendant—

3               “(A) establishes by a preponderance of the  
4       evidence that there are no assets, other than  
5       the restrained property, available to the defend-  
6       ant to retain counsel in the criminal case or to  
7       provide for a reasonable living allowance for the  
8       necessary expenses of the defendant and the de-  
9       fendant’s lawful dependents; and

10              “(B) makes a prima facie showing that  
11       there is bona fide reason to believe that the  
12       court’s ex parte finding of probable cause under  
13       subsection (a)(1) was in error.

14       “(3) HEARING.—

15              “(A) IN GENERAL.—If the court deter-  
16       mines that the defendant has satisfied the re-  
17       quirements of paragraph (2), it may hold a  
18       hearing to determine whether there is probable  
19       cause to believe that the defendant, if convicted,  
20       will be ordered to satisfy an order of restitution  
21       for an offense punishable by imprisonment for  
22       more than 1 year, and that the seized or re-  
23       strained property may be needed to satisfy such  
24       restitution order.

1           “(B) PROBABLE CAUSE.—If the court  
2           finds probable cause under subparagraph (A),  
3           the protective order shall remain in effect.

4           “(C) NO PROBABLE CAUSE.—If the court  
5           finds under subparagraph (A) that no probable  
6           cause exists as to some or all of the property,  
7           or determines that more property has been  
8           seized and restrained than may be needed to  
9           satisfy a restitution order, it shall modify the  
10          protective order to the extent necessary to re-  
11          lease the property that should not have been re-  
12          strained.

13          “(4) REBUTTAL.—If the court conducts an evi-  
14          dentiary hearing under paragraph (3), the court  
15          shall afford the Government an opportunity to  
16          present rebuttal evidence and to cross-examine any  
17          witness that the defendant may present.

18          “(5) PRETRIAL HEARING.—In any pretrial  
19          hearing on a protective order issued under sub-  
20          section (a)(1), the court may not entertain chal-  
21          lenges to the grand jury’s finding of probable cause  
22          regarding the criminal offense giving rise to a poten-  
23          tial restitution order. The court shall ensure that  
24          such hearings are not used to obtain disclosure of  
25          evidence or the identities of witnesses earlier than



1 required by the Federal Rules of Criminal Procedure  
2 or other applicable law.

3 “(c) THIRD PARTY’S RIGHT TO POST-RESTRAINT  
4 HEARING.—

5 “(1) IN GENERAL.—A person other than the  
6 defendant who has a legal interest in property af-  
7 fected by a protective order issued under subsection  
8 (a)(1) may move to modify the order on the grounds  
9 that—

10 “(A) the order causes an immediate and ir-  
11 reparable hardship to the moving party; and

12 “(B) less intrusive means exist to preserve  
13 the property for the purpose of restitution.

14 “(2) MODIFICATION.—If, after considering any  
15 rebuttal evidence offered by the Government, the  
16 court determines that the moving party has made  
17 the showings required under paragraph (1), the  
18 court shall modify the order to mitigate the hard-  
19 ship, to the extent that it is possible to do so while  
20 preserving the asset for restitution.

21 “(3) INTERVENTION.—

22 “(A) IN GENERAL.—Except as provided in  
23 subparagraph (B) or paragraph (1), a person  
24 other than a defendant has no right to inter-  
25 vene in the criminal case to object to the entry

1 of any order issued under this section or other-  
2 wise to object to an order directing a defendant  
3 to pay restitution.

4 “(B) EXCEPTION.—If, at the conclusion of  
5 the criminal case, the court orders the defend-  
6 ant to use particular assets to satisfy an order  
7 of restitution (including assets that have been  
8 seized or restrained pursuant to this section)  
9 the court shall give persons other than the de-  
10 fendant the opportunity to object to the order  
11 on the ground that the property belonged in  
12 whole or in part to the third party and not to  
13 the defendant, as provided in section 413(n) of  
14 the Controlled Substances Act (21 U.S.C.  
15 853(n)).

16 “(d) GEOGRAPHIC SCOPE OF ORDER.—

17 “(1) IN GENERAL.—A district court of the  
18 United States shall have jurisdiction to enter an  
19 order under this section without regard to the loca-  
20 tion of the property subject to the order.

21 “(2) OUTSIDE THE UNITED STATES.—If the  
22 property subject to an order issued under this sec-  
23 tion is located outside of the United States, the  
24 order may be transmitted to the central authority of

1       any foreign state for service in accordance with any  
2       treaty or other international agreement.

3       “(e) NO EFFECT ON OTHER GOVERNMENT AC-  
4       TION.—Nothing in this section shall be construed to pre-  
5       clude the Government from seeking the seizure, restraint,  
6       or forfeiture of assets under the asset forfeiture laws of  
7       the United States.

8       “(f) LIMITATION ON RIGHTS CONFERRED.—Nothing  
9       in this section shall be construed to create any enforceable  
10      right to have the Government seek the seizure or restraint  
11      of property for restitution.

12      “(g) RECEIVERS.—

13           “(1) IN GENERAL.—A court issuing an order  
14      under this section may appoint a receiver under sec-  
15      tion 1956(b)(4) to collect, marshal, and take cus-  
16      tody, control, and possession of all assets of the de-  
17      fendant, wherever located, that have been restrained  
18      in accordance with this section.

19           “(2) DISTRIBUTION OF PROPERTY.—The re-  
20      ceiver shall have the power to distribute property in  
21      its control to each victim identified in an order of  
22      restitution at such time, and in such manner, as the  
23      court may authorize.”.

24      (b) CONFORMING AMENDMENT.—The section anal-  
25      ysis for chapter 232 of title 18, United States Code, is

1 amended by inserting after the item relating to section  
 2 3664 the following:

“Sec. 3664A. Preservation of assets for restitution.”.

3 **SEC. 9223. AMENDMENTS TO THE ANTI-FRAUD INJUNCTION**  
 4 **STATUTE.**

5 Section 1345(a) of title 18, United States Code, is  
 6 amended—

7 (1) in paragraph (1)—

8 (A) in subparagraph (B), by striking “or”  
 9 at the end; and

10 (B) by inserting after subparagraph (C)  
 11 the following:

12 “(D) committing or about to commit a  
 13 Federal offense that may result in an order of  
 14 restitution;”; and

15 (2) in paragraph (2)—

16 (A) by striking “a banking violation” and  
 17 all that follows through “healthcare offense”  
 18 and inserting “a violation or offense identified  
 19 in paragraph (1)”; and

20 (B) by inserting “or offense” after “trace-  
 21 able to such violation”.

22 **SEC. 9224. AMENDMENTS TO THE FEDERAL DEBT COLLEC-**  
 23 **TION PROCEDURES ACT.**

24 (a) PROCESS.—Section 3004(b)(2) of title 28, United  
 25 States Code, is amended by inserting after “in which the

1 debtor resides.” the following: “In a criminal case, the dis-  
2 trict court for the district in which the defendant was sen-  
3 tenced may deny the request.”.

4 (b) PREJUDGMENT REMEDIES.—Section 3101 of  
5 title 28, United States Code, is amended—

6 (1) in subsection (a)(1) by inserting after “the  
7 filing of a civil action on a claim for a debt” the fol-  
8 lowing: “or in any criminal action where the court  
9 may enter an order of restitution”; and

10 (2) in subsection (d)—

11 (A) in the first undesignated paragraph, by  
12 inserting after ““The Government wants to  
13 make sure [name of debtor] will pay if the  
14 court determines that this money is owed.”” the  
15 following:

16 ““In a criminal action, use the following opening  
17 paragraph: You are hereby notified that this [property]  
18 is being taken by the United States Government [the Gov-  
19 ernment], which says that [name of debtor], if convicted,  
20 may owe as restitution \$ [amount]. The Government says  
21 it must take this property at this time because [recite the  
22 pertinent ground or grounds from section 3101(b)]. The  
23 Government wants to make sure [name of debtor] will pay  
24 if the court determines that restitution is owed.’”;

1 (B) in the indented matter in the undesig-  
 2 nated second paragraph, by inserting after “‘a  
 3 statement that different property may be so ex-  
 4 empted with respect to the State in which the  
 5 debtor resides.]’” the following:

6 “‘[In a criminal action, the statement summa-  
 7 rizing the types of property that may be exempt  
 8 shall list only those types of property that may be  
 9 exempt under section 3613 of title 18.]’”; and

10 (C) in the fourth undesignated paragraph,  
 11 by inserting after “‘You must also send a copy  
 12 of your request to the Government at [address],  
 13 so the Government will know you want the pro-  
 14 ceeding to be transferred.’” the following:

15 “‘If this Notice is issued in conjunction with a crimi-  
 16 nal case, the district court where the criminal action is  
 17 pending may deny your request for a transfer of this pro-  
 18 ceeding.’”.

19 (c) ENFORCEMENT.—Section 3202(b) of title 28,  
 20 United States Code, is amended—

21 (1) in the indented matter in the undesignated  
 22 second paragraph, by inserting after “‘a statement  
 23 that different property may be so exempted with re-  
 24 spect to the State in which the debtor resides.]’” the  
 25 following:

1           “‘[In a criminal action, the statement summa-  
 2           rizing the types of property that may be exempt  
 3           shall list only those types of property that may be  
 4           exempt under section 3613 of title 18.]’”; and

5           (2) in the sixth undesignated paragraph, by in-  
 6           serting after “‘you want the proceeding to be trans-  
 7           ferred.’” the following:

8           “‘If this notice is issued in conjunction with a crimi-  
 9           nal case, the district court where the criminal action is  
 10          pending may deny your request for a transfer of this pro-  
 11          ceeding.’”.

## 12           **PART III—ENVIRONMENTAL CRIMES**

### 13                   **RESTITUTION**

#### 14   **SEC. 9231. SHORT TITLE.**

15          This part may be cited as the “Environmental Crimes  
 16          Restitution Act of 2007”.

#### 17   **SEC. 9232. IMMEDIATE AVAILABILITY OF RESTITUTION TO** 18                   **VICTIMS OF ENVIRONMENTAL CRIMES.**

19          Section 3663(a)(1)(A) of title 18, United States  
 20          Code, is amended by striking “or section 5124, 46312,  
 21          46502, or 46504 of title 49,” and inserting “paragraph  
 22          (2) or (3) of section 309(c) of the Federal Water Pollution  
 23          Control Act (33 U.S.C. 1319(c)), section 105(b) of the  
 24          Marine Protection, Research, and Sanctuaries Act of 1972  
 25          (33 U.S.C. 1415(b)), section 9(a) of the Act to Prevent

1 Pollution from Ships (33 U.S.C. 1908(a)), section 1423  
 2 or subsection (a) or (b) of section 1432 of the Safe Drink-  
 3 ing Water Act (42 U.S.C. 300h–2 and 300i–l), subsection  
 4 (d) or (e) of section 3008 of the Solid Waste Disposal Act  
 5 (42 U.S.C. 6928), paragraph (1) or (5) of section 113(c)  
 6 of the Clear Air Act (42 U.S.C. 7413(c)), or section  
 7 46312, 46502, or 46504 of title 49,”.

8       **TITLE X—MISCELLANEOUS**  
 9       **Subtitle A—Continuity of Justice**  
 10       **Act of 2007**

11 **SEC. 10101. SHORT TITLE.**

12       This subtitle may be cited as the “Continuity of Jus-  
 13 tice Act of 2007”.

14 **SEC. 10102. FINDINGS.**

15       Congress finds that a fully functioning judiciary is  
 16 required to ensure continuity of justice, governmental op-  
 17 erations, enhance homeland security, maintain constitu-  
 18 tional law, and protect and defend societal interests.

19 **SEC. 10103. DEFINITIONS.**

20       In this subtitle—

21               (1) the term “Secretary” means the Secretary  
 22 of Homeland Security; and

23               (2) the term “State” means each of the several  
 24 States of the United States, the District of Colum-



1       bia, the Commonwealth of Puerto Rico, and any ter-  
2       ritory or possession of the United States.

3   **SEC. 10104. GRANTS TO COURTS.**

4       (a) IN GENERAL.—The Secretary may make grants  
5   to the highest court of any State to enable such courts  
6   to prepare for, respond to, and recover from a broad array  
7   of natural disasters and acts of terrorism.

8       (b) USE OF FUNDS.—A grant under this section may  
9   be used for any emergency preparedness planning, re-  
10   sponse activities, equipment, or training, including—

- 11           (1) continuity of operations planning;
- 12           (2) developing and implementing a continuity of  
13   operations plan;
- 14           (3) pandemic planning;
- 15           (4) vulnerability, risk, and impact assessments;
- 16           (5) test, training, and exercises;
- 17           (6) overtime pay for court personnel involved in  
18   emergency management;
- 19           (7) equipment and supplies;
- 20           (8) capability enhancements and maintenance;
- 21   and
- 22           (9) any other measure that the Secretary deter-  
23   mines may provide a significant improvement in  
24   emergency preparedness.

25       (c) APPLICATION.—

1           (1) IN GENERAL.—To be eligible for a grant  
2       under this section, the administrator of a State  
3       court, on behalf of the highest court of that State,  
4       shall submit an application to the Secretary, at such  
5       time and in such form as the Secretary may require.

6           (2) CONTENTS.—An application for a grant  
7       under this section shall include—

8               (A) the purpose for which the grant is  
9       sought;

10              (B) a description of the tasks to be per-  
11       formed with grant funds;

12              (C) a timetable for completing each task  
13       under subparagraph (B);

14              (D) a budget justification; and

15              (E) an assurance that grant funds shall be  
16       used as prescribed by this subtitle.

17       (d) DISTRIBUTION OF FUNDS.—A grant under this  
18       section shall be made available to the highest court of a  
19       State through the administrative office for the courts of  
20       that State.

21       (e) REPORTING.—

22           (1) IN GENERAL.—The administrator of any  
23       State court receiving a grant under this section shall  
24       submit to the Secretary an annual report that de-  
25       scribes—

1 (A) how funds under that grant were used;

2 (B) the balance of funds obligated and un-  
3 obligated;

4 (C) the program management plan for  
5 grant funds; and

6 (D) the outcomes achieved as a result of  
7 the grant funds.

8 (2) TIMING.—The Secretary shall establish the  
9 date for the submission of annual reports under  
10 paragraph (1).

11 (f) AUTHORIZATION OF APPROPRIATIONS.—There  
12 are authorized to be appropriated to carry out this section  
13 \$15,000,000 for each of fiscal years 2008 through 2013.

14 **Subtitle B—Homeland Security**  
15 **Trust Fund Act of 2007**

16 **SEC. 10201. SHORT TITLE.**

17 This subtitle may be cited as the “Homeland Security  
18 Trust Fund Act of 2007”.

19 **SEC. 10202. FINDINGS.**

20 The Congress finds the following:

21 (1) In 2002, an independent, bipartisan com-  
22 mission, the National Commission on Terrorist At-  
23 tacks Upon the United States (in this section re-  
24 ferred to as the “Commission”), was established  
25 under title VI of Public Law 107–306 to prepare a

1 full and complete account of the circumstances sur-  
2 rounding the September 11, 2001, terrorist attacks,  
3 including preparedness for and the immediate re-  
4 sponse to the attacks.

5 (2) The Commission was also tasked with pro-  
6 viding recommendations designed to guard against  
7 future attacks against the United States.

8 (3) The Commission held 12 public hearings to  
9 offer a public dialogue about the Commission's goals  
10 and priorities, sought to learn about work already  
11 completed, and the state of current knowledge, all in  
12 order to identify the most important issues and  
13 questions requiring further investigation.

14 (4) The Commission was widely praised for its  
15 thorough investigation and the bipartisan nature of  
16 its proceedings.

17 (5) On July 22, 2004, the Commission released  
18 its final report that set out the events leading to the  
19 attacks on September 11th, a chilling minute-by-  
20 minute account of that tragic day, and, more impor-  
21 tantly, issued 41 recommendations to better prepare  
22 the United States to protect against future terrorist  
23 attacks.

24 (6) While the Commission was officially dis-  
25 solved, the Commissioners stayed together to create

1 the 9/11 Public Discourse Project in order to push  
2 for the implementation of those recommendations.

3 (7) On December 5, 2005, the Commissioners  
4 released a report card evaluating the progress in im-  
5 plementing those recommendations.

6 (8) The Commissioners issued very few A's and  
7 B's and issued 12 D's and 5 failing grades.

8 (9) The failures identified by the Commis-  
9 sioners' report card were across the board, ranging  
10 from transportation security, to infrastructure pro-  
11 tection and government reform.

12 (10) Specifically, the Commissioners stated that  
13 "few improvements have been made to the existing  
14 passenger screening system since right after 9/11.  
15 The completion of the testing phase of TSA's pre-  
16 screening program for airline passengers has been  
17 delayed. A new system, utilizing all names on the  
18 consolidated terrorist watch list, is therefore not yet  
19 in operation."

20 (11) The Commissioners also found that "...No  
21 risk and vulnerability assessments actually made; no  
22 national priorities established; no recommendations  
23 made on allocation of scarce resources...It is time  
24 that we stop talking about setting priorities and ac-  
25 tually set some."

1           (12) The Commission issued a grade of D on  
2 checked bag and cargo screening measures, stating  
3 that “improvements have not been made by the Con-  
4 gress or the administration. Progress on implemen-  
5 tation of in-line screening has been slow. The main  
6 impediment is inadequate funding.”.

7           (13) With regard to information sharing and  
8 technology, the Commission noted that “there has  
9 been no systematic diplomatic efforts to share ter-  
10 rorist watch lists, nor has Congress taken a leader-  
11 ship role in passport security...” and that “there re-  
12 main many complaints about lack of information  
13 sharing between federal authorities and state and  
14 local level officials.”.

15           (14) The Administration has failed to focus on  
16 prevention here at home by abandoning our first line  
17 of defense against terrorism, local law enforcement.

18           (15) In the President’s FY 2006 budget re-  
19 quest, the President requested a cut of over  
20 \$2,000,000,000 in guaranteed assistance to law en-  
21 forcement.

22           (16) According to the International Association  
23 of Chiefs of Police, this decision represents a fun-  
24 damentally flawed view of what is needed to prevent  
25 domestic terror attacks.

1           (17) The Council on Foreign Relations released  
2       a report entitled, “Emergency First Responders:  
3       Drastically Underfunded, Dangerously Unprepared”,  
4       in which the Council found that “America’s local  
5       emergency responders will always be the first to con-  
6       front a terrorist incident and will play the central  
7       role in managing its immediate consequences. Their  
8       efforts in the first minutes and hours following an  
9       attack will be critical to saving lives, establishing  
10      order, and preventing mass panic. The United  
11      States has both a responsibility and a critical need  
12      to provide them with the equipment, training, and  
13      other resources necessary to do their jobs safely and  
14      effectively.”.

15          (18) The Council further concluded that many  
16      State and local emergency responders, including po-  
17      lice officers and firefighters, lack the equipment and  
18      training needed to respond effectively to a terrorist  
19      attack involving weapons of mass destruction.

20          (19) Current first responder funding must be  
21      increased to help local agencies create counter-ter-  
22      rorism units and assist such agencies to integrate  
23      community policing models with counter-terror ef-  
24      forts.

1           (20) First responders still do not have adequate  
2       spectrum to communicate during an emergency.  
3       Congress finally passed legislation forcing the net-  
4       works to turn over spectrum, but the date was set  
5       for February 2008. This is unacceptable, this spec-  
6       trum should be turned over immediately.

7           (21) The Federal Government has a responsi-  
8       bility to ensure that the people of the United States  
9       are protected to the greatest possible extent against  
10      a terrorist attack, especially an attack that utilizes  
11      nuclear, chemical, biological, or radiological weapons,  
12      and consequently, the Federal Government has a  
13      critical responsibility to address the equipment,  
14      training, and other needs of State and local first re-  
15      sponders.

16          (22) To echo the sentiments of the National  
17      Commission on Terrorist Attacks upon the United  
18      States, “it is time that we stop talking about setting  
19      priorities and actually set some.”.

20          (23) The cost of fully implementing all 41 rec-  
21      ommendations put forth by the Commission and the  
22      common sense steps to secure the homeland rep-  
23      resents less than 1 year of President Bush’s tax cuts  
24      for millionaires.



1           (24) By investing 1 year of the tax cuts for mil-  
2           lionaires into a trust fund to be invested over the  
3           next 5 years, the Federal Government can imple-  
4           ment the Commission’s recommendations and make  
5           great strides towards making our Nation safer.

6           (25) The Americans making more than  
7           \$1,000,000 understand that our country changed  
8           after 9/11, yet they have not been asked to sacrifice  
9           for the good of the Nation.

10          (26) In this subtitle, we call on the patriotism  
11          of such Americans by revoking 1 year of their tax  
12          cut and investing the resulting revenues in the secu-  
13          rity of our neighbors and families.

14   **SEC. 10203. DEFINITIONS.**

15          In this subtitle—

16           (1) TRUST FUND.—The term “Trust Fund”  
17           means the Homeland Security and Neighborhood  
18           Safety Trust Fund established under section 10204.

19           (2) COMMISSION.—The term “Commission”  
20           means the National Commission on Terrorist At-  
21           tacks upon the United States, established under title  
22           VI of the Intelligence Authorization Act for Fiscal  
23           Year 2003 (Public Law 107–306; 6 U.S.C. 101  
24           note).

1 **SEC. 10204. HOMELAND SECURITY AND NEIGHBORHOOD**  
2 **SAFETY TRUST FUND.**

3 (a) ESTABLISHMENT OF TRUST FUND.—There is es-  
4 tablished in the Treasury of the United States a trust fund  
5 to be known as the “Homeland Security and Neighbor-  
6 hood Safety Trust Fund”, consisting of such amounts as  
7 may be appropriated or credited to the Trust Fund.

8 (b) RULES REGARDING TRANSFERS TO AND MAN-  
9 AGEMENT OF TRUST FUND.—For purposes of this sec-  
10 tion, rules similar to the rules of sections 9601 and 9602  
11 of the Internal Revenue Code of 1986 shall apply.

12 (c) DISTRIBUTION OF AMOUNTS IN TRUST FUND.—  
13 Amounts in the Trust Fund shall be available, as provided  
14 by appropriation Acts, for making expenditures for fiscal  
15 years 2007 through 2011 to meet those obligations of the  
16 United States incurred which are authorized under section  
17 10205 for such fiscal years.

18 (d) SENSE OF THE SENATE.—It is the sense of the  
19 Senate that the Committee on Finance of the Senate  
20 should report to the Senate not later than 30 days after  
21 the date of the enactment of this Act legislation which—

22 (1) increases revenues to the Treasury in the  
23 amount of \$53,300,000,000 during taxable years  
24 2007 through 2011 by reducing scheduled and exist-  
25 ing income tax reductions enacted since taxable year

1       2001 with respect to the taxable incomes of tax-  
2       payers in excess of \$1,000,000, and

3               (2) appropriates an amount equal to such reve-  
4       nues to the Homeland Security and Neighborhood  
5       Safety Trust Fund.

6   **SEC. 10205. PREVENTING TERROR ATTACKS ON THE HOME-**  
7               **LAND.**

8       (a) AUTHORIZATION OF APPROPRIATIONS FOR SUP-  
9       PORTING LAW ENFORCEMENT.—There are authorized to  
10      be appropriated from the Trust Fund—

11             (1) \$1,150,000,000 for fiscal years 2007  
12      through 2011 for the Office of Community Oriented  
13      Policing Services for grants to State, local, and trib-  
14      al law enforcement to hire officers, purchase tech-  
15      nology, conduct training, and to develop local  
16      counter-terrorism units;

17             (2) \$900,000,000 for each of the fiscal years  
18      2007 through 2011 for the Justice Assistance  
19      Grant;

20             (3) \$160,000,000 for each of fiscal years 2007  
21      through 2011 for the Federal Bureau of Investiga-  
22      tions to hire 1,000 additional field agents in addition  
23      to the number of field agents serving on the date of  
24      enactment of this Act;

1           (4) \$200,000,000 for each of fiscal years 2007  
2           to 2011 for the Amtrak Police Department to hire,  
3           equip, and train 1,000 additional rail police; and

4           (5) such sums as necessary to provide an in-  
5           crease in the rate of basic pay for law enforcement  
6           officers employed by Amtrak of 25 percent of the  
7           rate of basic pay in effect on the date of enactment  
8           of this Act.

9           (b) AUTHORIZATION OF APPROPRIATIONS FOR UTI-  
10          LIZING SCREENING TECHNOLOGIES.—There are author-  
11          ized to be appropriated from the Trust Fund—

12           (1) \$1,000,000,000 for each of 2007 through  
13           2011 for Department of Homeland Security to im-  
14           plement 100 percent screening of ship cargo con-  
15           tainers with suitable technologies that screen for nu-  
16           clear, radiological, and other dangerous materials;

17           (2) \$100,000,000 for each of fiscal years 2007  
18           through 2011 for the Department of Homeland Se-  
19           curity to improve screening for airline passengers,  
20           checked baggage, and cargo on commercial airliners;  
21           and

22           (3) \$100,000,000 for each of fiscal years 2007  
23           through 2011 for the Office of Science and Tech-  
24           nology at the Department of Homeland Security to

1 research and develop advanced screening tech-  
2 nologies.

3 (c) PROTECTING CRITICAL INFRASTRUCTURE AND  
4 ELIMINATING THREATS.—

5 (1) AUTHORIZATION OF APPROPRIATIONS FOR  
6 HARDENING SOFT TARGETS.—There are authorized  
7 to be appropriated from the Trust Fund—

8 (A) \$1,000,000,000 for each of fiscal years  
9 2007 through 2011 for the Office of Domestic  
10 Preparedness for the State Homeland Security  
11 Grant Program, the Urban Area Security Ini-  
12 tiative and the Law Enforcement Terrorism  
13 Prevention Program;

14 (B) \$80,000,000 for fiscal year 2007 to  
15 the Office of Domestic Preparedness for Critical  
16 Infrastructure Risk Assessment Planning (9/  
17 11);

18 (C) \$500,000,000 for each of fiscal year  
19 2007 through 2011 to the Office of Domestic  
20 Preparedness to make grants to State and local  
21 governments and tribes to protect critical infra-  
22 structure, including chemical facilities, nuclear  
23 power plants, electrical grids, and other critical  
24 infrastructure;

1 (D) \$500,000,000 for each of fiscal years  
2 2007 through 2011 for port security grants to  
3 assist ports with meeting the requirements in  
4 Maritime Transportation Security Act of 2002  
5 (Public Law 107–295; 116 Stat. 2064.); and

6 (E) \$200,000,000 for each of fiscal year  
7 2007 through 2011 to the Office of Domestic  
8 Preparedness to make grants for passenger rail,  
9 freight rail, and transit systems.

10 (2) RESPONDING TO TERRORIST ATTACKS AND  
11 NATURAL DISASTERS.—

12 (A) AUTHORIZATION OF APPROPRIA-  
13 TIONS.—There are authorized to be appro-  
14 priated from the Trust Fund—

15 (i) \$1,000,000,000 for each of fiscal  
16 years 2007 through 2011 to the Office of  
17 Community Oriented Policing Services to  
18 provide grants to enhance State and local  
19 government interoperable communications  
20 efforts, including interagency planning and  
21 purchasing equipment;

22 (ii) \$500,000,000 for each of fiscal  
23 years 2007 through 2011 for the Office of  
24 Domestic Preparedness for Fire Act  
25 Grants;

1           (iii) \$500,000,000 for each of fiscal  
2 years 2007 through 2011 for the Office of  
3 Domestic Preparedness for SAFER  
4 Grants;

5           (iv) \$1,000,000,000 for each of fiscal  
6 years 2007 through 2011 for the Office of  
7 Domestic Preparedness to make grants to  
8 State and local governments to improve  
9 the public health capabilities of States and  
10 cities to prevent and respond to biological,  
11 chemical, or radiological attacks and  
12 pandemics;

13          (v) \$100,000,000 for each of fiscal  
14 years 2007 through 2011 for the Armed  
15 Forces Radiological Research Institute to  
16 research, develop, and deploy medical  
17 countermeasures to address radiation sick-  
18 ness associated with nuclear or radiological  
19 attacks in the United States; and

20          (vi) \$100,000,000 for each of fiscal  
21 years 2007 through 2011 for the Office of  
22 Domestic Preparedness for the purpose of  
23 improving State and local government  
24 interagency response coordination to en-  
25 able local agencies to utilize equipment, re-

1 sources, and personnel of neighboring  
2 agencies in the event of a terrorist attack  
3 or natural catastrophe.

4 (B) PREVENTION OF DELAY IN REASSIGN-  
5 MENT OF 24 MEGAHERTZ FOR PUBLIC SAFETY  
6 PURPOSES.—Section 309(j)(14) of the Commu-  
7 nications Act of 1934 (47 20 U.S.C.  
8 309(j)(14)) is amended by adding at the end  
9 the following:

10 “(E) Notwithstanding subparagraph (B),  
11 the Commission shall not grant any extension  
12 under that subparagraph from the limitation of  
13 subparagraph (A) with respect to the fre-  
14 quencies assigned, under section 337(a)(1), for  
15 public safety services. The Commission shall  
16 take all actions necessary to complete assign-  
17 ment of the electromagnetic spectrum between  
18 764 and 776 megahertz, inclusive, and between  
19 794 and 806 megahertz, inclusive, for public  
20 safety services and to permit operations by pub-  
21 lic safety services on those frequencies com-  
22 mencing not later than January 1, 2007.”.



1 **SEC. 10206. AUTHORIZATION OF APPROPRIATIONS FOR AD-**  
2 **DITIONAL ACTIVITIES FOR HOMELAND SECU-**  
3 **RITY.**

4 There are authorized to be appropriated from the  
5 Trust Fund such sums as necessary for—

6 (1) the implementation of the recommendations  
7 of the Commission;

8 (2) supporting State and local government law  
9 enforcement and crime prevention programs;

10 (3) protecting critical infrastructure and other  
11 high threat targets such as passenger rail, freight  
12 rail, and transit systems, chemical and nuclear  
13 plants;

14 (4) enhancing the preparedness of the public  
15 health sector to prevent and respond to acts of bio-  
16 logical and nuclear terrorism;

17 (5) the development of scanning technologies to  
18 detect dangerous substances at United States ports  
19 of entry; and

20 (6) other high risk targets of interest, including  
21 nonprofit organizations.

22 **SEC. 10207. HOMELAND SECURITY SPENDING ADVISORY**  
23 **BOARD.**

24 (a) ESTABLISHMENT OF BOARD.—There is estab-  
25 lished as an independent agency within the Executive

1 branch a Homeland Security Spending Advisory Board  
2 (referred to in this section as the “Board”).

3 (b) FUNCTIONS.—

4 (1) IN GENERAL.—The Board shall advise Con-  
5 gress and the Department of Homeland Security re-  
6 lating to—

7 (A) spending priorities to enhance home-  
8 land security, terrorism prevention, and emer-  
9 gency response;

10 (B) Federal, State, and local government  
11 spending of homeland security funds to ensure  
12 that funds are allocated appropriately to best  
13 secure the homeland;

14 (C) better procedures for the allocation  
15 and distribution of homeland security funds;

16 (D) potential misuse of homeland security  
17 funding; and

18 (E) actions to reduce spending abuse and  
19 waste of homeland security funding.

20 (2) REPORTS.—

21 (A) REVIEW AND SUBMISSION.—

22 (i) IN GENERAL.—The Board shall  
23 periodically submit, not less than semi-  
24 annually, reports to the appropriate con-  
25 gressional committees, including the Com-

1 mittees on the Judiciary of the Senate and  
2 the House of Representatives, the Com-  
3 mittee on Homeland Security and Govern-  
4 mental Affairs of the Senate, the Com-  
5 mittee on Oversight and Government Re-  
6 form of the House of Representatives, the  
7 Select Committee on Intelligence of the  
8 Senate, and the Permanent Select Com-  
9 mittee on Intelligence of the House of Rep-  
10 resentatives, the Committee on Homeland  
11 Security of the House of Representatives,  
12 and to the President.

13 Such reports shall be in unclassified form  
14 to the greatest extent possible, with a clas-  
15 sified annex where necessary.

16 (ii) CONTENTS.—Not less than 2 re-  
17 ports the Board submits each year under  
18 clause (i) shall include—

19 (I) a description of the major ac-  
20 tivities of the Board during the pre-  
21 ceding period;

22 (II) information on the findings,  
23 conclusions, and recommendations of  
24 the Board resulting from its functions  
25 under paragraph (1); and

1 (III) the minority views on any  
2 findings, conclusions, and rec-  
3 ommendations of the Board resulting  
4 from its functions under paragraph  
5 (1).

6 (B) INFORMING THE PUBLIC.—The Board  
7 shall—

8 (i) make its reports, including its re-  
9 ports to Congress, available to the public  
10 to the greatest extent that is consistent  
11 with the protection of classified informa-  
12 tion and applicable law; and

13 (ii) hold public hearings and otherwise  
14 inform the public of its activities, as appro-  
15 priate and in a manner consistent with the  
16 protection of classified information and ap-  
17 plicable law.

18 (c) ACCESS TO INFORMATION.—

19 (1) AUTHORIZATION.—If determined by the  
20 Board to be necessary to carry out its responsibil-  
21 ities under this section, the Board is authorized, to  
22 the extent permitted by law, to—

23 (A) have access from any department or  
24 agency of the executive branch, or any Federal  
25 officer or employee of any such department or

1 agency, to all relevant records, reports, audits,  
2 reviews, documents, papers, recommendations,  
3 or other relevant material, including classified  
4 information consistent with applicable law;

5 (B) interview or take statements from offi-  
6 cers of any department or agency of the execu-  
7 tive branch;

8 (C) request information or assistance from  
9 any State, tribal, or local government; and

10 (D) require, by subpoena issued at the di-  
11 rection of a majority of the members of the  
12 Board, persons (other than departments, agen-  
13 cies, and elements of the executive branch) to  
14 produce any relevant information, documents,  
15 reports, answers, records, accounts, papers, and  
16 other documentary or testimonial evidence.

17 (2) ENFORCEMENT OF SUBPOENA.—In the case  
18 of contumacy or failure to obey a subpoena issued  
19 under paragraph (1)(D), the United States district  
20 court for the judicial district in which the subpoe-  
21 naed person resides, is served, or may be found may  
22 issue an order requiring such person to produce the  
23 evidence required by such subpoena.

24 (3) AGENCY COOPERATION.—Whenever infor-  
25 mation or assistance requested under subparagraph

1 (A) or (B) of paragraph (1) is, in the judgment of  
2 the Board, unreasonably refused or not provided, the  
3 Board shall report the circumstances to the head of  
4 the department or agency concerned without delay.  
5 If the requested information or assistance may be  
6 provided to the Board in accordance with applicable  
7 law, the head of the department or agency concerned  
8 shall ensure compliance with such request.

9 (4) EXCEPTIONS FOR NATIONAL SECURITY.—

10 (A) IN GENERAL.—If the National Intel-  
11 ligence Director, in consultation with the Attor-  
12 ney General, determines that it is necessary to  
13 withhold information requested under para-  
14 graph (3) to protect the national security inter-  
15 ests of the United States, the head of the de-  
16 partment or agency concerned shall not furnish  
17 such information to the Board.

18 (B) CERTAIN INFORMATION.—If the Attor-  
19 ney General determines that it is necessary to  
20 withhold information requested under para-  
21 graph (3) from disclosure to protect sensitive  
22 law enforcement or counterterrorism informa-  
23 tion or ongoing operations, the head of the de-  
24 partment or agency concerned shall not furnish  
25 such information to the Board.

1 (d) MEMBERSHIP.—

2 (1) MEMBERS.—The Board shall be composed  
3 of a full-time chairman and 6 additional members,  
4 who shall be appointed by the President by not later  
5 than 6 months after the date of the enactment of  
6 this Act, by and with the advice and consent of the  
7 Senate, which shall move expeditiously following  
8 each nomination.

9 (2) QUALIFICATIONS.—

10 (A) IN GENERAL.—Members of the Board  
11 shall be selected solely on the basis of their pro-  
12 fessional qualifications, achievements, public  
13 stature, expertise as described under subpara-  
14 graph (B), and relevant experience, and without  
15 regard to political affiliation, but in no event  
16 shall more than 4 members of the Board be  
17 members of the same political party. The Presi-  
18 dent shall, before appointing an individual who  
19 is not a member of the same political party as  
20 the President consult with the leadership of  
21 that party, if any, in the Senate and House of  
22 Representatives.

23 (B) EXPERTISE.—The Board shall be com-  
24 posed of 7 members of whom—

1 (i) each shall have expertise in the  
2 area of counter-terrorism, emergency re-  
3 sponse, or law enforcement;

4 (ii) 2 shall have experience of holding  
5 elected or appointed office in State govern-  
6 ment;

7 (iii) 2 shall have experience of holding  
8 elected or appointed office in local govern-  
9 ment;

10 (iv) 2 shall have experience of holding  
11 elected or appointed office in State or local  
12 government (which may include a member  
13 who meets the requirements of clause (i)  
14 or (ii)) who has expertise in law enforce-  
15 ment or terrorism prevention.

16 (3) INCOMPATIBLE OFFICE.—An individual ap-  
17 pointed to the Board may not, while serving on the  
18 Board, be an elected official, officer, or employee of  
19 the Federal Government, other than in the capacity  
20 as a member of the Board.

21 (4) TERM.—Each member of the Board shall  
22 serve a term of 6 years, except that—

23 (A) a member appointed to a term of office  
24 after the commencement of such term may



1           serve under such appointment only for the re-  
2           mainder of such term;

3           (B) upon the expiration of the term of of-  
4           fice of a member, the member shall continue to  
5           serve until the member's successor has been ap-  
6           pointed and qualified, except that no member  
7           may serve under this subparagraph—

8                   (i) for more than 60 days when Con-  
9                   gress is in session unless a nomination to  
10                  fill the vacancy shall have been submitted  
11                  to the Senate; or

12                  (ii) after the adjournment sine die of  
13                  the session of the Senate in which such  
14                  nomination is submitted; and

15           (C) the members initially appointed under  
16           this subsection shall serve terms of 2, 3, 4, 5,  
17           and 6 years, respectively, from the date of en-  
18           actment of this Act, with the term of each such  
19           member to be designated by the President.

20           (5) QUORUM AND MEETINGS.—The Board shall  
21           meet upon the call of the chairman or a majority of  
22           its members. Three members of the Board shall con-  
23           stitute a quorum.

24           (e) COMPENSATION AND TRAVEL EXPENSES.—

25                   (1) COMPENSATION.—

1           (A) CHAIRMAN ON FULL-TIME BASIS.—If  
2           the chairman serves on a full-time basis, the  
3           rate of pay for the chairman shall be the annual  
4           rate of basic pay in effect for a position at level  
5           III of the Executive Schedule under section  
6           5314 of title 5, United States Code.

7           (B) CHAIRMAN AND VICE CHAIRMAN ON  
8           PART-TIME BASIS.—The chairman, if serving on  
9           a part-time basis, and the vice chairman shall  
10          be compensated at a rate equal to the daily  
11          equivalent of the annual rate of basic pay in ef-  
12          fect for a position at level III of the Executive  
13          Schedule under section 5314 of title 5, United  
14          States Code, for each day during which such of-  
15          ficial is engaged in the actual performance of  
16          the duties of the Board.

17          (C) MEMBERS.—Each member of the  
18          Board shall be compensated at a rate equal to  
19          the daily equivalent of the annual rate of basic  
20          pay in effect for a position at level IV of the  
21          Executive Schedule under section 5315 of title  
22          5, United States Code, for each day during  
23          which that member is engaged in the actual  
24          performance of the duties of the Board.

1           (2) TRAVEL EXPENSES.—Members of the  
2 Board shall be allowed travel expenses, including per  
3 diem in lieu of subsistence, at rates authorized for  
4 persons employed intermittently by the Federal Gov-  
5 ernment under section 5703(b) of title 5, United  
6 States Code, while away from their homes or regular  
7 places of business in the performance of services for  
8 the Board.

9           (f) STAFF.—

10           (1) APPOINTMENT AND COMPENSATION.—The  
11 chairman, in accordance with rules agreed upon by  
12 the Board, shall appoint and fix the compensation of  
13 an executive director and such other personnel as  
14 may be necessary to enable the Board to carry out  
15 its functions, without regard to the provisions of  
16 title 5, United States Code, governing appointments  
17 in the competitive service, and without regard to the  
18 provisions of chapter 51 and subchapter III of chap-  
19 ter 53 of such title relating to classification and  
20 General Schedule pay rates, except that no rate of  
21 pay fixed under this subsection may exceed the  
22 equivalent of that payable for a position at level V  
23 of the Executive Schedule under section 5316 of title  
24 5, United States Code.

1           (2) DETAILEES.—Federal employees may be  
2 detailed to the Board without reimbursement from  
3 the Board, and such detailee shall retain the rights,  
4 status, and privileges of the detailee’s regular em-  
5 ployment without interruption.

6           (3) CONSULTANT SERVICES.—The Board may  
7 procure the temporary or intermittent services of ex-  
8 perts and consultants in accordance with section  
9 3109 of title 5, United States Code, at rates that do  
10 not exceed the daily rate paid a person occupying a  
11 position at level IV of the Executive Schedule under  
12 section 5315 of such title.

13          (g) SECURITY CLEARANCES.—The appropriate de-  
14 partments and agencies of the executive branch shall co-  
15 operate with the Board to expeditiously provide Board  
16 members and staff with appropriate security clearances to  
17 the extent possible under applicable procedures and re-  
18 quirements. Promptly upon commencing its work, the  
19 Board shall adopt, after consultation with the Secretary  
20 of Defense, the Attorney General, and the National Intel-  
21 ligence Director, rules and procedures of the Board for  
22 physical, communications, computer, document, personnel,  
23 and other security in relation to the work of the Board.

24          (h) APPLICABILITY OF CERTAIN LAWS.—

1           (1) FEDERAL ADVISORY COMMITTEE ACT.—The  
2       Federal Advisory Committee Act (5 U.S.C. App.)  
3       shall not apply with respect to the Board and its ac-  
4       tivities.

5           (2) FREEDOM OF INFORMATION ACT.—For pur-  
6       poses of the Freedom of Information Act, the Board  
7       shall be treated as an agency (as that term is de-  
8       fined in section 551(1) of title 5, United States  
9       Code).

10       (i) CONSTRUCTION.—Except as otherwise provided in  
11      this section, nothing in this section shall be construed to  
12      require any consultation with the Board by any depart-  
13      ment or agency of the executive branch or any Federal  
14      officer or employee, or any waiting period that is required  
15      to be observed by any department or agency of the execu-  
16      tive branch or any Federal officer or employee, before de-  
17      veloping, proposing, or implementing any legislation, law,  
18      regulation, policy, or guideline related to efforts to protect  
19      the Nation from terrorism.

20       (j) PRESIDENTIAL RESPONSIBILITY.—The Board  
21      shall perform its functions within the executive branch and  
22      under the general supervision of the President.

23       (k) AUTHORIZATION OF APPROPRIATIONS.—There  
24      are authorized to be appropriated such sums as may be  
25      necessary to carry out this section.

1 **Subtitle C—Commercial Equipment**  
2 **Direct Assistance Program Act**  
3 **of 2007**

4 **SEC. 10301. SHORT TITLE.**

5 This subtitle may be cited as the “Commercial Equip-  
6 ment Direct Assistance Program Act of 2007”.

7 **SEC. 10302. COMMERCIAL EQUIPMENT DIRECT ASSISTANCE**  
8 **PROGRAM.**

9 (a) IN GENERAL.—Title III of the Homeland Secu-  
10 rity Act of 2002 (6 U.S.C. 181 et seq.) is amended by  
11 adding at the end the following:

12 **“SEC. 316. COMMERCIAL EQUIPMENT DIRECT ASSISTANCE**  
13 **PROGRAM.**

14 “(a) IN GENERAL.—There is established a Commer-  
15 cial Equipment Direct Assistance Program to provide—

16 “(1) direct assistance to law enforcement agen-  
17 cies of local governments by transferring  
18 counterterrorism technology and equipment directly  
19 to selected agencies; and

20 “(2) training and counterterrorism information  
21 to law enforcement agencies of local governments.

22 “(b) TECHNOLOGY TRANSFERS.—

23 “(1) IN GENERAL.—The program under this  
24 section shall be a direct assistance program under  
25 which the Director of the Office of Grants and

1 Training may provide counterterrorism technology  
2 and equipment directly to selected law enforcement  
3 agencies of local government to improve the home-  
4 land security capabilities of such agencies.

5 “(2) APPLICATION.—A law enforcement agency  
6 of a local government desiring a transfer of  
7 counterterrorism technology or equipment under this  
8 section shall submit an application at such time, in  
9 such manner, and accompanied by such information  
10 as the Director of the Office of Grants and Training  
11 shall establish.

12 “(c) TRAINING AND INFORMATION.—The Director of  
13 the Office of Grants and Training shall—

14 “(1) in consultation with law enforcement agen-  
15 cies of local governments, and other entities deter-  
16 mined appropriate by the Director of the Office of  
17 Grants and Training, develop and maintain a com-  
18 prehensive list of counterterrorism technologies,  
19 equipment, and information; and

20 “(2) provide appropriate training to law en-  
21 forcement agencies of local governments on the use  
22 of such technology, equipment, and information that  
23 will be transferred under this section.

1       “(d) AUTHORIZATION OF APPROPRIATIONS.—There  
2 are authorized to be appropriated to carry out this sec-  
3 tion—

4               “(1) \$75,000,000 for each of fiscal years 2008  
5 and 2009; and

6               “(2) such sums as are necessary for fiscal years  
7 2010 through 2013.”.

8       (b) TECHNICAL AND CONFORMING AMENDMENT.—

9 The table of contents in section 1(b) of the Homeland Se-  
10 curity Act of 2002 (6 U.S.C. 101 et seq.) is amended by  
11 inserting after the item relating to section 315 the fol-  
12 lowing:

“Sec. 316. Commercial Equipment Direct Assistance Program.”.

○